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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMAN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON 20 AUGUST 1946, 1000-1300, LORD JUSTICE LAWRENCE PRESIDING.

THE MARSHALL OF THE COURT: May it please the Tribunal: The Defendant Hess is absent.

DR. DIX: I beg the Tribunal to listen to me for a very brief moment. This is with reference to a possible precautionary application regarding evidence. I repeat it is a precautionary application which will only be operative under certain conditions which I am about to describe to you. I beg the Tribunal to remember that the Witness Gisevius talked about this same subject when he testified as a witness for Dr. Schacht. An application to hear Lieutenant General Halder was withdrawn by me at an earlier stage, whereas the hearing of Mrs Struenk as a witness had been granted by the Tribunal. Though after hearing Witness Gisevius and Witness Halder, I decided in order to save time to withdraw my application to hear this witness as I considered it to be cumulative. Now these two Witnesses Mrs Struenk and Colonel Halder will no longer be cumulative if, and this is by no means my own opinion, the Tribunal should adopt the view that the testimony of Witness Gisevius as far as he had spoken in favor of Dr. Schacht is so.

It is not my task to take care of the material or ideal interest of the Witness Gisevius; nor is it my task to establish the credibility of Witness Gisevius's testimony. It is merely my duty to furnish evidence on behalf of my client, Dr. Schacht. It is my own personal thought, and as far as that is concerned, I am speaking against my application, that the testimony of Gisevius with reference to Dr. Schacht, that is to saw the testimony regarding the purpose of armament and Schacht's part in the resistance movement, has in no way be shaken by the testimony of Witness Brauchitsch which was to the effect that he did not know Witness Gisevius at all. These subjects of evidence are not merely proved by Gisevius; but as far as the interior attitude of the regime

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is concerned, it has been proved by affidavits as well as Witness Halder. As to the beginning of the resistance movement and the contact with Kluege, that has been proved by the affidavit of Schmidt.

THE PRESIDENT: Dr. Dix, I think you must make up your mind whether you want to make an application or not. If you want to make an application, you must make it in writing. The Tribunal is not inclined to entertain possible precautionary applications which are not in writing.

DR. DIX: I intend to leave it to the decision of the Tribunal. I am merely making a suggestion because it is my personal view, having had Gisevius' testimony --

THE PRESIDENT: The Tribunal has made a rule that applications must be in writing. That rule has been applied to every other cousel appearing on behalf of the Defendants. The Tribunal thinks that rule should be adhered to by you, too. Therefore, if you wish to make an application, you should make it in writing.

DR. DIX: Very well, then I should like very much to make my application in writing. Does the Tribunal wish that I should use up another two minutes by giving the reasons for the aim of my application?

THE PRESIDENT: I do not see any reason for departing from the rule.

DR. DIX: Very well. In that case I shall make my application in writing.

THE PRESIDENT: I have two announcements to make. In the first place, with reference to the application of Dr. Seidl, who does not appear to be present, the Tribunal has had a report dated the 17th of August, 1946, on the condition of the Defendant Hess from Captain G. M. Gilbert, the prison psychologist. This report will be communicated to the Defendant Hess's counsel, to the Prosecution and to the Press. The Tribunal will not call for any further report upon the Defendant Hess at the present time.

Next, with reference to the application by Dr. Stahmer dated the 14th of August, 1946, the Tribunal will treat this application as an exceptional case, and they will allow the Defendant Goering to be recalled to the witness box to

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deal with the evidence upon experiments which was given after the Defendant Goering gave his evidence, and upon no other subject.

The Tribunal rejects the application to call another witness and the Tribunal will hear the defendant Goering in the witness box now.

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HERMANN GOERING, having been previously sworn, was recalled.

BY THE PRESIDENT:

Q You understand, defendant, of course, that you are still under oath?

A Yes, of course, Mr. President.

DIRECT EXAMINATION

BY DR. STAHMER:

Q Were you the President of the Reich Research Council?

A Yes.

Q When and by whomwas the Reich Research Council created?

A As far as I remember it was created either in 1942 orat the beginning of 1943 by me.

What we were concerned with was that every subject, every sphere of science, physics, technology, medicine and philosophy should be summarized and that the various institutes of the state, the Emperor Wilhelm Institute, the institutes of the universities, the economic research departments, which were all carrying out research work concurrently should be drawn together in this Reich Research Council Commissions were formed according to the subject they were dealing with. They wer centralized and it was their task that research should not be carried on on parall lines but that research should be carried out jointly.

Secondly, they were to centralize related research work, such as physics and chemistry, that that was to be centralized and carried out correctly.

At the head of each one of these commissions there was a plenipotentiary, a deputy. Right in the foreground, of course, in the case of all this reasearch work was its application to the necessities of war and for that purpose special men were appointed also. This Reich Research Council carried out not hundreds but thousands of various tasks of research and since I personally am, of course, not an expert, I wasmerely the chairman of the whole institution in order to lend it my authority an also in order to furnish the necessary funds as one of my foremost tasks in that connection. The tasks I had w re headed by Reichsmarshal of the German Reich and President of the Reich Research Council.

Q Which position within the Airforce and which tasks did the Medical Inspectorate of the Airforce have?

A It had the task, just as in the case of all other branches of the armed

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forces, to take care of the hygiene and health of the armed forces, to take care of all the work which fitted into that sphere.

Q Did the Medical Inspectorate have any connections with the Reich Research Council?

A Naturally there were losse connections between them and the Reich Research Council in order to explain the results of the hygiene and medical research work or respectively communicate to them their wishes regarding the orders which were to be dealt with, the tasks which were to be carried out by the Reich Research Council.

Q Did you give the Reich Research Council or the Medical Inspectorate of the Airforce tasks at any time for the carrying out of medical experiments on detainees in concentration camps, Dachau or any other camps?

A I should like to say quite clearly on this point that there is not a single letter which could possibly be signed by me and that not a single man could possibly appear to state that I myself have at any time, in any shape of form, given a single task or a single order or even a hint in that respect.

Q Did you have knowledge of the fact that Dr. Rascher or a chief medical officer of the Airforce, Dr. Feldt, had carried out medical experiments on detainees in the concentration camp of Dachau?

A As I have learned here in Nurnberg and as I have gathered from the documents, Dr. Rascher was a medical officer of the Airforce Reserve and apparently later on, as appears from the correspondence, he did not succeed with his experiments. He resigned from the Airforce and became a medical officer in the SS. I myself have never seen the man, I have never known or met the man, just as the second name which you have mentioned is strange to me and I do not even know whether he was an active, serving medical officer or a medical officer in the Reserve.

Q Did you give the Order to any department or did you have the order given to any department that sub-pressure chambers should be used on detainees in concentration camps?

A I have already told you that I have not done so. It is natural that if anybody had come to me, shall we say from the Medical Inspectorate or from the Reich Research Council, and had told me that it would be serving a purpose to

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carry out research shall we say regarding the subject of cancer research or typhoid research but of course I would have said that that is a very praiseworthy enterprise. But then I cannot possibly connect that fact with the idea that a human being should be used in an incorrect manner in connection with it and if someone tells me that at present the experiments are going on with low pressure chambers that I cannot possiblyunderstand by that or imagine through it that detainees have been used or are being used in that connection, all the more so considering that I know that every aviator was being experimented with in the low pressure chamber in order to find out his flying abilities before he could pass his examination.

Q Did the Reich Research Council or the Medical Inspectorate of the Airforce receive the order from you to carry out experiments for making sea water drinkabl

A I have never heard of the experiment. It would have interested me extraordinarily because repeatedly we aviators, amongst ourselves, have discussed this point, not regarding making sea water drinkable but with reference to the questio of how a flyer who would be adrift in the sea in a lifeboat could obtain drinkabl water at all and it was always said amongst flyersat the time that there was only one possibility; that they should have fishing tackle aboard their lifeboats so that they could catch fish and they were given the primitive instruction to squeez out the fish since that was the only drinkable water obtainable under such circumstances. That is why that point is particularly clear in my memory.

Q But then in May 1944 this matter is supposed to have been discussed during a conference in the Air Ministry. Had you ordered that conference or were you informed about it afterward?

A No. Currently and daily conferences of all types and of all departments were taking place in the Air Ministry and they could not possibly communicate to me daily or report it to me at Headquarters.

Q With reference to that same question, discussions with the Airforce are supposed to have taken placeat Dachau. Were they ordered by you or did you gain knowledge of them?

A No.

Q For this purpose medical officers of the Airforce are supposed to have had working rooms at their disposal at Dachau at certain times. Had you learned of these facts?

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A No, I had no knowledge whatever of these facts.

Q Do you know the medical officer of the Airforce Reserve, Dr. Deck?

A I know him neither under the name Deck or Dick.

Q Did you give the order or did you have the order given that low freezing experiments should be carried out which are supposed to have been carried out by a certain Professor Hausteiner, a medical officer of the Airforce Reserve at Dachau, for which he is supposed to have used detainees?

A No, as far as I can remember from the files Russia is supposed to have carried out these low freezing experiments. Hausteiner is just as unknown to me as are the other names. There w re thousands of medical officers in the Reserve of the Airforce.

Q Did you ever meet Dr. Haagen, Professor at the University of Strassburg, who was the chief staff medical officer or was supposed to have been the chief medical staff officer of the Airforce and you had given himorders at any time to make experiments in order to defeat typhoid?

A As I have gathered from the documents also, Dr. Haagen was a medical officer in the Airforce Reserve and advisory hygeine expert not of the Airforce generally but of the Air Fleet, that is a unit of the Airforce. I do not know him. I have never at any time given him an order and he obviously could be heard as to that at any time.

Apart from that, this again would have remained in my memory in every respect since it would have astonished me somewhat, since I myself had been inoculated against typhoid three times and I certainly did not believe that further research in that sphere was taking place.

Q But then how do you explain it that witness Sievers in a letter addressed to Obergruppenfuehrer Pohl, dated May 19, 1944, states that Professor Haagen had been ordered by the Reichsmarshal, the President of the Reich Research Council, to carry out such experiments?

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A This can be explained as follows: firstly, as I said earlier, the letter heading for all such orders which in any way were connected with the Reich Research was worded, the Reich Marshall of the German Reich, signature, the president of the Reich Research Council. That was the custom in Germany: that first of all the personal title was quoted and not the department, the office. It was, for instance, the Reich Minister of Finance, and not the Reich Ministry of Finance. Secondly, Witness Sievers himself has testified here with reference to a rather large figure that ten thousand orders were issued under my name without that I myself could have known of these orders. That, of course, would have been quite impossible Certainly it was known in the whole of Germany that hardly ever has a name been used as much as mine. If anyone were to achieve anything at all, he quite happily and gaily said that the Reichsmarschall wished it, or he would like to see this or that done or this or that ordered.

It was for that reason that in 1944 I created a special department which prevented the misuse of my name with reference towards such matters.

Q Then what was your basic attitude regarding the carrying out of medical experiments on human beings?

THE PRESIDENT: I think the defendant has already told us what his basic attitude was.

DR. STAHMER: Very well, Mr. President. Quite. Then with reference to this subject I shall have no further questions. I shallmerely have to refer myself to further questions as soon as the witness Sievers has appeared here -- I beg your pardon, the witness Helder, from whom a statement has been submitted to the Tribunal, which has not been introduced in evidence, so that I cannot at this moment define myattitude with reference to it.

THE PRESIDENT: The Tribunal doesn't know what you are talking about because the Tribunal has not yet allowed the witness Helder to be called; but youmust conclude your examination of the defendant now.

DR. STAHMER: In that case then I believe that I have been misunderstood, Mr.President. It is the witness Schreiber we are concerned with. From Witness Schreiber a statement has been announced in this court room; and the Tribunal had announced its decision with reference to it, namely, that

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Schreiber should appear as a witness here; and I shall have to reserve myself the right, therefore --

THE PRESIDENT: The interpretation came to us as Helder.

DR. STAHMER: Quite.

THE PRESIDENT: It came to us as Helder with reference to Schreiber.

DR. STAHMER: No, no, Schreiber is the name; Professor Schreiber, I meant. The Russian, the Russian statement.

THE PRESIDENT: If this Schreiber is brought here in accordance with the Tribunal's order, then no doubt you will have the opportunity of cross examining. Dr. Stahmer, if you want to put any questions to the defendant Goering, you must put them now because the Tribunal doesn't propose to have the defendant recalled again, should the witness Dr. Schreiber be produced. Therefore, if you have any questions to put to the defendant on the subject which Dr. Schreiber might be called to deal with, you must put them now.

Q. Did you ever receive an order from Hitler or a special authority in order to carry out the preparatory work for bacteriological warfare?

A. Never at any time did I receive such an authority or such an order as it is mentioned in the letter of the General Medical Officer Schreiber addressed to the Soviet Government.

Q. Did you have knowledge of the fact that your medical officers were working on such preparatory work?

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A. No, and this letter isn't mentioning the word medical officers. It is merely talking about the --

THE PRESIDENT: One minute. Will you just wait one minute. Go on, Dr. Stahmer. You will confine yourself to the matters with which you have dealt in your written application with reference to Dr. Schreiber.

Q. Did you have knowledge of the fact that the working community for bacteriological warfare existed?

A. That such a working community existed is a fact I had no knowledge of. What I did know, however, was that as a matter of course defensive measures were being worked on against bacteriological warfare. It must not be forgotten that to a certain extent such a type of warfare had been commenced against us by dropping insects, damaging the potatoes with potato beetles; and measures had been prepared in order to be ready for such warfare on one part; and then possibly, though I do not know this for certain, preparations may have been made for the event that the opponents might carry out such bacteriological warfare, so that we would have an answer ready.

Q. Do you know Professor Blommen?

A. No.

Q. Then in that case you didn't give him the order to prepare such measures?

A. No, that isn't possible.

DR. STAHMER: I have no further questions, Mr. President.

THE PRESIDENT: Do the Prosecution desire to ask any questions?

BY SIR DAVID MAXWELL-FYFE:

Q. Defendant I first want to know how much of the witness Sievers' letter you agree with or disagree with. Do you agree that the directions for carrying out the spotten fever experiments were in the hands of the Director of the Hygienic Institute of the Reich University of Strassbourg, Professor Dr. Haagen, major in the Medical Corps, and consulting hygienist to an air fleet? Is Sievers right in saying that?

A. That I have no means of checking. It is possible.

Q. I see. Now, are you disputing that Dr. Haagen was -- I quote --

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"commissioned with this task by the Reichsmarschall, the President of the Reich Research Council," or do you again say that you have no means of checking that?

A. That I have said quite clearly. I know nothing whatever about it; and it is interesting, if you are speaking of the Reichsmarschall and the President of the Reich Research Council, that that means that the heading was that under which all such research orders were coming out.

Q. To put it quite bluntly, your defense to this is the rubber-stamp defense that you signature on the orders was merely a rubber-stamp for the equivalent signature as President of the Reich Research Council? Is that what you want the Tribunal to understand?

A. No. That I am not saying by any means. If my signature has been given, then it had its full value; but it has not been given; it has not been explained. But as I have told you earlier, this was the heading, the letter heading of the orders as they were signed. These orders were signed by some sub-department which was dealing with these matters. When and where I have signed a letter, I alone assume the responsibility for it. It would be only too easy for the prosecution to put such a letter before me or to ask Mr. Haagen about it.

Q. Then you say that if instructions went out from the Reich Research Council you knew nothing about them. That is your answer as I understand it.

A. As far as details are concerned, of course I did not know because, firstly, that was impossible merely from the point of view of time. As far as I am concerned, my day too only had 24 hours.

Secondly, I have emphasized that I was not an expert in any way but that my task was to give general instructions to those men working in research, in order to centralize the research work in every sphere, and secondly, to provide the very large funds required.

Q. But you see, defendant, the letter goes on to say, "In accordance with his instructions" -- which were said to come from the Reichsmarshal, the President of the Research Council -- "In accordance with his instructions, Dr. Haagen has to report about his work to the Chief of the Luftwaffe Medical Services."

A. That is possible; it is possible that he had that order. However, he did not report to me, and the Chief of the Medical Inspectorate did not report to me either.

It is for that reason that my defense counsel has applied to have the Chief of the Hygiene Inspectorate appear here as a witness, in order to make it abundantly clear.

Q. So that in both these capacities -- in these two of your capacities -- the Reich Research Council and the Medical Department of the Luftwaffe were both acting without any knowledge of yours ? In these experiments which were concerned with the condition of, among others, the service for which you were responsible, you say both of these bodies were acting without your knowledge. That is what you say. Is that right; are you sure it is right ?

A. That is absolutely right. May I give you a brief reason why it must be right, if you will permit me ?

Q. Just a moment. I would like you to consider one or two points before you commit yourself too deeply to that.

Do you know that in May of 1942 Fieldmarshal Milch was expressing your special thanks to the SS for their cooperation in the altitude experiments ?

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SIR DAVID MAXWELL FYFE: My Lord, that is document 343-PS, and it isthe letter that begins, "Dear Wolff". Wolff was one of Himmler's personal staff. If my recollection is correct, he was the liaison between Himmler and Hitler, certainly, at one time.

Q. (Continuing) and your second man, defendant, Fieldmarshal Milch, is saying to "Dear Wolff", "I convey the special thanks from the Supreme Commander of the Air Corps to the SS for their extensive cooperation."

Are you saying that Fieldmarshal Milch, when he wrote that -- or when he signed it on behalf of your Medical Department -- was merely expressing a chanson de malaise and was not conveying your thanks to Himmler ?

A. I not only say that, but it has been testified to quite clearly by Fieldmarshal Milch when he was a witness here. If you would care to look at the record, you will find that he is expressly admitting that I had no knowledge of these details.

Apart from that, Mr. Prosecutor, the situation is this. A certain method of correspondence was employed by us, which is perhaps not quite fitting here, but that is the way we did it. If an official of a ministry is addressing a letter of thanks to someone which is not of a personal nature, then he always has to write on behalf of the chief, in the name of the chief, and I think that must be the same form everywhere.

Q. I just remind you; what the witness Milch said was that these letters were put in front of him by your Medical Department. These experiments mainly and greatly concerned the Luftwaffe. Are you saying that the thanks of the Luftwaffe and of the Supreme Commander, yourself, were given without any reference to you at all ?

A. Fieldmarshall Milch did not say that the letters were put before me. He says they were put before him.

Q. That is what I said; I said "before him". I didn't suggest they were put before you at all.

A. I t probably came through incorrectly, sir. Then he goes on to say that he thanks him politely, because the Inspectorate had told him that there were no other interests in the matter since the high altitude experiments had

already been voluntarily carried out by our young medical officers, and he spoke about that at length.

Q. But you know, it didn't stop with your young medical officers. Your Service provided the equipment for Dachau for these experiments.

A. It isn't coming through.

Q. I will repeat that. It did not stop there. Your Service was providing the equipment for these experiments for Dachau.

SIR DAVID MAXWELL FYFE: My Lord, the reference to that is GB-582, document 2428-PS, which is an affidavit by the detainee Anton Pacholegg, who was at Dachau. He says that the Luftwaffe delivered, here at the concentration camp at Dachau, a cabinet constructed of wood and metal, measuring one meter square and two meters high, and so on. He describes the equipment.

Q. (Continuing) Are you saying that the supplying of equipment for these experiments at Dachau was done without any reference to you on these particular Air Force experiments ?

A. First, it was not the Air Force which was carrying out the experiments at Dachau, it was the medical officer of the Reserve Air Force, Dr. Rascher. Whether Dr . Rascher obtained the order to do so from the Hygiene Medical Inspectorate, or in what manner, I do not know.

Secondly, it was not timber or various parts which were sent there, but a so-called high altitude closet. That is something I have mentioned before, which had to be entered normally by everyone in order to find out the reaction of his body to altitude and pressure conditions.

It wasn't difficult for Rascher, therefore, to address himself to the Inspectorate and, in technical terms, to apply for such a closet or such a chamber without giving exact details: what types of experiments he wanted to use it for, and whether that entialed any danger for those people who were to be subjected to these experiments.

Thirdly, I should like to emphasize once again that the prosecution has said -- for instance, at the end of Justice Jackson's final speech he emphasized that I had had my fat fingers in every pie. I want to say that if I held as many offices as I am being accused of having held, then you will understand

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that I could not possibley have concerned myself with every high altitude pressure chamber which was used for experiments.

Q. But did you not concern your self with the experiments to test the flight clothing for the Luftwaffe when the concentration camp detainees were dressed in various types of flight suits with jackets ? I mean, defendant, you have been a practical air man yourself, with a very gallant record of service in the air in the last war. What I am suggesting to you is that these matters were matters that were not only within your administrative interest in your positions, but they were within your personal interest as an ex-air officer. That is why I am suggesting to you that you would have, and did have, an interest in these experiments.

Putting back your memory, are you sure that you don't remember about the experiments on these concentration camp detainees for testing air clothing?

A. Sir David, I am not only absolutely sure that I don't remember, but I am absolutely sure that it was not so. I mean, I wish to emphasize that I am not saying I don't remember; I am saying with absolute certainty that this was not the situation.

Secondly, you are absolutely right. Naturally, I would have taken the greatest interest in the welfare of my aviators and also, naturally, their clothing. We, the fliers, amongst ourselves, repeatedly discussed what the best type of flying combination would be. Had I been told that combinations which were heatable were being used, then I particularly, on the strength of my own experience, would have said that I didn't want them, because at the end of the last war I myself had worn such a heatable suit and the outcome was that I burnt myself all over.

Q. Well, now, take another experiment. It must have been the same in your Air Force as in ours, that one of the greatest difficulties, or one of the things that one wanted to deal with, was those who came down, in our parlance, who came down into the sea; that is, what could be done and for what time they would survive.

Do you say that you did not know about the cold test ? According to this affidavit to which I have referred, Dr. Rascher conducted this cold test --

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That was for the Luftwaffe also. That was to see the resistance of the human body to emersion in water. Do you say that you knew nothing about that experiment also ?

A. I knew neither Dr. Rascher nor any of the experiments he was carrying out. The symptoms, experienced by people who had fallen into the water, caused by cold were known. Against freezing, some excellent powder, or some such/ stu had been invented.

Apart from that, I knew that everything had been done in order to construct life belts in such a way that they would facilitate breathing in spite of the sea waves, and so on and so forth. In just the same manner, precautionnary measures as to clothing and the rescuing methods of our opponents were experimented with and observed by us in that respect. I remember that I once held a pamphlet of that type in my hand, but that is all.

Apart from that, people had fallen into the water for many, many years, and the most suitable steps were always taken. They moved about, they were given alsohol, and so on, in order to warm them up again.

Q. Well now --

A. (Interposing) I beg your pardon, Mr. Prosecutor, but there is something I attach great value to, and that is this. The experiments with women, and all that sort of thing, as they have been mentioned here, are so utterly in contradiction to my view regarding women that I would have resented such experiments most deeply, not only afterwards but at the time.

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Q Well, now, just one other experiment then I will pass to the question of knowledge of these experiments at that time. Did you or did you not know that the Sanitaetswesen of the Luftwaffe were, in May 1944, working on experiments to render seawater drinkable in which concentration camp inmates were used?

A No, that I did not know. But, Mr. Prosecutor, I would like to say this in reference to that experiment and how these things developed. It wasn't even necessary for the medical inspectorate to know that. An order was given, and even assuming that I had given it, it didn't necessarily allow for the deduction that experiments were carried out on human beings. The medical officer had some sort of connection to Himmler and the research department, but also, he could be connected with the Waffen SS through Himmler. At the same time, there were connections in which the Luftwaffe would not have been included. In any event, every system which was being used was being represented up above.

Q The first letter that I put to you was dated 26 May 1942. You say that the facts which Field Marshal Milch were concerned with, I want to get it exactly as possible, were merely formal methods of conveying the facts of that date? Do you remember that on 28 July 1942 Hitler issued a Fuehrer's Decree, countersigned by the defendant Keitel and by the Witness Lammers, establishing a Coordination Staff for the Armed Forces to deal with health. That is on July 28, 1942. It was to take care of the coming tasks in the field of health for the Armed Forces, the Waffen SS, and subordinate organizations. And, if I may remind you, so that you may fit it in your memory, "for the purpo of a constructive treatment of these offices, a sanitary officer of the Navy and a sanitary officer of the Airforce will be assigned to work under him." That is the sanitary officer of the Army. The latter, that is, the medical officer of the Airforce, in a capacity as a chief of staff, that is the time when Field Marshal Milch was writing to Wolff about these experiments.

Two months later there was a Fuehrer's Decree and one of your officers was to be Chief of Staff of this Coordination Staff. Are you telling the Tribunal that you did not know about the Fuehrer's Decree and that your officer was so appointed?

A Before I tell the Tribunal my answer, may I have a look at the decree?

Q Would you like . . .?

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A Yes.

Q I have only the English copy.

Q Yes, I probably will be able to understand that much. Yes, that's just what I wanted to find out. This decree has nothing whatsoever to do with experiments. It begins with the following, and I shall translate it freely, since I don't know English too well.

"The personnel and material with reference to the Health Inspectorate was a temporary condition and a planned condition. It is for that reason that I decree herewith that the Chief of the Sanitary Department...." and here I don't know which translation applies. "In order to find the solution to the shortage of medical officers, it is necessary for joint research work to be carried out."

That topic is a matter of course. The Army was carrying the bulk of the medical officers and was also getting the greatest number of requirements so that it was the Sanitary Inspector who was put at the head of the department. Since the Air Force was carrying the second largest amount of medical officers, the Chief of Staff was chosen from them.

Q The point that I am putting to you, and I think you have gathered it, is that on July 28, 1942, there was this additional interest in medical experiments and research which made Hitler issue this coordinating staff. Now, I want you just to remember how that interest in medical matters was shown in your service. A month later, on 31st August 1942, your second man Milch was writing to Himmler. My Lord, this is document number 343-PS, and if you like, the State Exhibit No.463,

"Dear Mr. Himmler: I thank you very much for your letter of 25 August. I have read with great interest the reports of Dr. Rascher and Dr. Romberg. I am informed about the current experiments. I shall ask the two gentlemen to give a lecture combined with the showing of motion pictures to my men in the near future."

Now, assume that Milch is telling the truth for the purpose of this question, and that that letter was put in front of him by the head of your medical department for his signature. Assume that if you like. There is no reason to suppose that the head of your medical department was tellinglies in the letter he put before Milch; no reason to assume that that letter is untrue

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and if, in your service, lectures were given on these experiments with motion pictures, are you still telling the Tribunal that you, as the head of the service, knew nothing about the experiments for your service that were going on

A I am only telling the truth to the Tribunal and that is: It is not by any means necessary for the sanitary inspector to submit this letter to Milch because....Was this a direct letter to Himmler or was this Milch's testimony?

Q I am only quoting Milch's evidence. I was asking you to assume for the moment that Milch's evidence was true. It was suggested to Milch that his evidence wasn't true. I am asking you to assume that Milch is telling the truth for the purpose of my question. That is why I put it that way. Now, continue your answer.

A I am afraid I didn't quite understand you clearly. Now, did you read a letter from Field Marshal Milch to me or did you put the testimony which Milch put here?

Q I read to you a quotation from a letter of Field Marshal Milch to Himmler. And I informed you, in case you didn't remember, that Field Marshal Milch, that that letter was put in front of him by your medical department and that he signed it blindly. That was Milch's evidence. I asked you to assume that Milch was telling the truth. I don't mean that for the moment. I am asking you, as head of your service, if these experiments were the subject of lectures and motion pictures shown to your own men under your command, are you telling the Tribunal that you knew nothing about them?

A That I knew nothing about them is something that I said clearly and implicitly at the beginning. I am not saying that Field Marshal

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Milch was saying an untruth. After all, he himself said (and I remember his testimony given here on the witness stand and he cleared up this matter absolutely) that he did not render a report to me about the details of these experiments.

But, Sir David, may I once more direct your attention to the Decree. That decree had nothing to do with experiments but, as I said earlier, the connection of the three armed forces with reference to the sanitary system is entirely a matter of organization.

Q Witness, I just passed the decree, you know. I want your answer. Do you say that you did not know that lectures and motion pictures were shown to the men under your command dealing with these experiments? I just want your answer quite clearly -- yes or no. Did you or did you not know?

A No, I knew nothing about it. I beg you once more to take into consideration that the Air Ministry was a Ministry of administration, whereas in the office I dealt with tactical matters. I would have stopped those experiments -- I would have done so, even if the Russian Prosecution have twisted the facts, I still stick to my statement. In 1934 I strictly forbade experiments to be carried out on animals, so that I certainlywould have strongly forbidden experiments to be carried out on human beings.

Q It is not for me to comment. Plenty of people have standards with animals which they do not apply to follow men. But, that is a matter of comment and I do not wish to pursue it.

Now, in November 1942 -- you referred to it in giving your evidence -- Dr. Rascher was transferred from the Airforce to the SS. Before he was transferred Himmler wrote to Milch on that subject and described the experiments on the behavior of human organisms at great heights in prolonged cooling and similar behavior. I quoted Himmler's letter.

"These researches which deal with the behavior of the human organism at great heights, as well as with manifestations caused by prolonged cooling of the human body in cold water, and similar problems which are of vital importance to the air force in particular."

Then he says, "Unfortunately you had no time recently when Dr. Rascher

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wanted to report on the experiments at theMinistry for Air Aviation. I had put great hopes in that report because I believe that the difficulties based merely on religious objections which opposed Dr. Rascher's experiments for which I have assumed responsibility could be eliminated. The difficulties are still the same now as before. In these Christian medical circles the standpoint is being taken that it goes without saying that a young German aviator should be allowed to risk his life, but that the life of a criminal who is not drafted into military service is too sacred for this purpose and one should not burden oneself with this guilt."

Then Himmler goes on to say that in view of the importance to the airforce and also th the Waffen SS, "however, in this connection, I suggest that with the liaison between you and Wolff", that is, Milch and Wolff, "a non-Christian physician should be charged who would, at the same time, be informed of the results.

Are you saying, defendant, that you never heard, although Hitler had heard, that Christian medical circles were protesting against these experiments?

A I think you mean Himmler, not Hitler.

Q Himmler, I am sorry. Although Himmler knew, you say you did not know that Christian medical circles were protesting apparently, according to this letter, publicly and insistently, protesting against these experiments? Did you not know that?

A No, and they didn't protest publicly. But I am awfully grateful to you for having put this letter which, among the many documents which have been submitted, has not been clearly put. The emphasis is unique, but I am happy that Christian medical officers that are mentioned -- by that they mean the Inspectorate of my Luftwaffe. They were my medical offices because they alone could raise protests. For this reason -- that is one of the reasons why Rascher had to leave the Airforce. That just emphasizes everything that I said.

Q I want you -- again, I want you to apply your mind tothis. You and Himmler were still on good terms in 1942, weren't you?

A Until the very end. Himmler always adopted a very polite attitude toward me. After all, he had to.

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Q You were more than that. Within a few days of this letter you sent him an attache case, a box of cigars, and a notebook for Christmas. This means that you were on good terms with Himmler. Do you mean to say that you never heard, that Hitler never heard, that Milch never told you, that the medical officers never said to you that these experiments were being carried on and were being protested against in Christian medical circles? Did everyone conspire, defendant, to keep you in ignorance of every matter that might be embarrassing to you? Now, is that the answer?

A The experiments and knowledge of them have nothing whatever to do with the crocodile briefcase and the notebook. In the last case you are concerned with Christmas presents in exchange for a present which Himmler had given me for Christmas on behalf of the SS, and I always wanted to return these kindnesses. Secondly, there weren't any efforts being made to keep me oblivious of these experiments. The various spheres were allotted to various people. They were subdivided into important matters and into matters which falls into certain departments, and the Hygiene Inspectorate was one of them, and it was impossible to bring everything to my knowledge.

Apart from that, I wish to emphasize that at that time I did not hear a public protest coming from Christian circles in Germany raised against such experiments. Such utterances wouldn't, in fact, have been possible.

THE PRESIDENT : Have you any questions to put, Dr. Stahmer?

DR. STAHMER : I have no further questions.

THE PRESIDENT : The defendant can return to the dock.

THE PRESIDENT : Dr. Gawlik.

DR. GAWLIK : Your Lordship, may I first of all beg to be allowed to apologize for not having been ready for submission of my documents yesterday. I regret that this resulted in the stoppage of the trial, but the defense counsel of the organizations had been informed that the sequence for submission of documents was different than that of the hearing of evidence, and the sequence which I had heard was the following : Political Leaders, Gestapo, SS, and SD. I therefore assumed that I would follow the SS with the submission of documents.

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I beg the Tribunal to take into consideration in this connection that I am at present working on my final speech and that I am therefore not able to participate in the sessions of other statements.

THE PRESIDENT : Are you saying that you are not able now to participate in the session?

DR. GAWLIK : Yes, I am ready, your Lordship.

THE PRESIDENT : I do not know how any such misunderstanding as you indicate can have occured, because no order was given by the Tribunal that there would be any alteration of the order, and counsel for the defendants and the defendant organizations must understand that they must be here when their case is called on, and the Tribunal can't be kept waiting as it was yesterday. This is the first occasion on which it has happened, and the Tribunal hopes it will not happen again.

DR. GAWLIK : Your Lordship, there is a letter dated the first of August which is posted on the blackboard in the counsel's room.

THE PRESIDENT : Just what does it say?

DR. GAWLIK : In that letter it says that during the hearing of witnesses, the sequence was altered and the SD witnesses would come before the SS witnesses, but that with reference to the submission of documents and the final speeches, the old sequence was being adhered to, and then the sequence is quoted, and it is as follows : Political Leadership Corps, Gestapo, SS and then SD.

THE PRESIDENT : The Tribunal will inquire into that matter.

DR . GAELIK : First of all, I beg to deal with the records referring to the witnesses I have examined, which I beg to submit first. I shall start with the submission of affidavits now. Only some of the affidavits, because of the overburden of work of the Translating Division, have so far been translated.

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THE PRESIDENT : Dr. Gavlik, as you weren't present the other day, perhaps I had better tell you what the Tribunal's wishes were and are with reference to those affidavits.

A large number of those affidavits, if not all, have been summarized and the summaries set out in the transcript before the commissioners, and therefore, for you to give a summary again of those affidavits merely creates on the transcript of the Tribunal a repetition of the summary which is already in the transcript before the commissioners. The Tribunal does not desire that. Therefore, if you will confine yourself to commenting on or summarising the affidavits which have not been summarized before the commissioners, that is all that is necessary, subject, of course, to offering them in evidence.

Is that clear? I wasn't suggesting that you should put before us affidavits which haven't been brought before the commissioners, but I was merely telling you that we don't want to have repetition of summaries which were put before the commissioners and which are set out in the transcript before the commissioners and which are set out in the transcript before the commissioners.

DR. GAVLIK : That wasn't my intention, your Lordship. I merely wanted to say that only part of those affidavits have been translated, and it was from those completely translated affidavits that I was going to make my submission. However, of some I have received only a part, so at this moment I have not in my hands the translation of all the affidavits I propose to use, and it is my request that I may submit them as and when I receive them.

THE PRESIDENT : Very well. Before you begin, this will be a convenient time to break off.

DR. GAVLIK : Very well.

(A recess is taken).

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DR. GAWLIK: I shall present my affidavits in the order of the points of the Indictment as they appear in the trial brief against the Gestapo and SD because I believe it would be of aid to the Tribunal by doing so. This will not agree with the order of the numbers but I believe that this will make no difference because in this way the Tribunal can see that I have endeavored not to present any cumulative evidence.

First, I come to the point of conspiracy, to the tasks and activities of the SD from its foundation to the establishment of the RSHA. I have submitted affidavit SD 27 by Dr. Albert, from the transcript of the 22nd July 1946.

The next affidavit refers to the assertion of the prosecution that it was a task of the SD to obtain secret information on actual and possible opponents of the Nazis. This refers to the trial brief against the Gestapo and SD Roman Number Three, page 17 of the English version. In this connection, the summary of the contents is also shown from the records of the Commission, of the 23rd of July 1946.

Then I have further to submit Affidavit SD No.1, by Ferdinand Zachmann, which I hereby submit.

THE PRESIDENT: Go on.

DR. GAWLIK: The next affidavit will prove that the reporting of the SD to the Party Chancellory was not for the purpose of supporting a conspiracy. I have submitted Affidavit SD No.27. The short summary arises from the transcript of the 3rd of August 1946.

The next affidavit was submitted to prove the aims, tasks and activities of Group 3-D of the RSHA and in connection with the fact that Group 3-D did not support any conspiracy. In this connection, I have submitted affidavit SD No.40, by Ohlendorf, coming from the protocol of the 23rd of July 1946.

My next affidavit refers to the aims, tasks and activities of the branch offices and the confidential agents in connection with the fact that the tasks and aims of the branch offices and confidential agents were not to support a conspiracy. In this connection, I submit Affidavit SD 65, by Professor Ritter. I applied for the complete translation of this affidavit but I have not yet

received it because the translation department is too busy. I call especial attention of the Court to this affidavit. This is one of the best known German historians. I should like to read the following from this affidavit:

Question One: "Please tell us about your position and occupation, about your position?" Answer: "Since 1925 I have been Professor of Modern History at the University of Freiburg."

And I omit one sentence.

Second question: "Were you a member of the NSDAP or any of its branches? Answer: "No.

Third question: "Were you a member of a resistance group against the Hitler regime and were you persecuted by it?" Answer: "Yes. I belonged to the same place as friends of Dr. Goerdeler and I was intended as Culture Minister of his new cabinet. In November 1934, I was arrested in connection with the events of the 20th of July. I had been placed before the court in Berlin and on the 25th of April 1945, the Russian Army released me from prison.

THE PRESIDENT: The translation came through to us as "November 1934." Was it 1944?

DR. GAWLIK: November 1944.

THE PRESIDENT: Very well.

DR. GAWLIK: Fourth question: "Do you know the activities of the SD Arbeitsgemeinschaft and where did you obtain your knowledge?" Answer: "Yes. My knowledge comes from my activity as Chairman of the Purification Committee of the University at Freiburg.

Fifth question: "What was the task of the SD Arbeitsgemeinschaft?" Answer: "First, orientation of the supreme SD leadership -- I do not know the exact names -- concerning feelings among the population and the criticism of party measures."

For the purpose of saving time, I think I can omit the next part of this answer and then I come to the eighth question: "What was the aim and task or the activities of the confidential agents (Vertrauensmaenner)?" Answer: "The aims and tasks were essentially the same as in the case of the Arbeitsgemeinschaft, to which the confidential agents belonged; but while the other members of the Arbeitsgemeinschaft were used only occasionally for

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conferences for the SD, the confidential agents were in constant contact with it." Now, I come to the eighth question: "Did the confidential agents have the task to collect and pass on statements hostile to the state and to watch persons known as hostile to the state?" Answer: "I do not know any facts in this connection." And then I leave out a few lines.

I come to the ninth question: "What was the purpose and what was the aim of the SD in Germany in its reports?" Answer: "In contrast to the 'rosy' party reports, the SD reports were to give a picture corresponding to the actual facts and conditions. In the field of cultural policy, in addition, gaps and failings were to be pointed out."

Tenth question: "Did the SD within Germany report on your lectures?" Answer: "Yes. I know that the branch of the SD in Karlsruhe or in Strassburg had a number of reports and stenographic notes on my lectures: the activity of the SD concerning me and a number of scientists and high officials ---

THE PRESIDENT: Dr. Gawlik, I think it can be more convenient to the Tribunal or more easy for them to follow if you can summarize the affidavit rather than reading it.

DR. GAWLIK: I have only a few questions and then this affidavit will be finished; but you must please consider this is theonly affidavit which I want toread. I place especial value on this affidavit because it was not from an SD member but from a professor who was watched by the SD.

THE PRESIDENT: Very well.

DR. GAWLIK: "I can say that I exchanged correspondence with a number of officials concerning the activity of the SD, in which it was confirmed that my presentation of the facts agreed in all points with the experience of these men."

Eleventh question: "Did the SD on the basis of the watching of your lectures occasion Gestapo measures against you?" Answer: "I know nothing of that."

I leave out one question.

Thirteenth question: "Did the Gestapo arrest or warn you before because of your lectures?" Answer: "No. I was warned once by the Gestapo but on the basis of a denunciation which I knew of, which did not come from the SD."

Fourteenth question: "For what reason were you arrested?" Answer: "Because of my relations with some leading men on the 20th of July."

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Fiftoonth quostion: Did tho oxamining officials know of tho contonts of your lectures? Answor: No, apparontly not. They accopted that without contradiction. In my dofonso I roferrod to the 'patriotic attitudo of my lecturos.' I consider it out of the quostion that tho Gostapo officials know of my lecturos and the SD reports which woro basod on thom. Sistoonth quostion: What was the attitudo of the scientific faculty in Freiburg toward the Hitler Reich? Not only the scientific faculty of the University but the majority of the profossors woro opponent of National-Socialism. This was known to Dr. Schuor of the Reich, tho profossor loador. He had announced the dissolution of the whole University until after the war.

"Sovonteonth quostion: Did the SD know of this attitude? Answor: There can be no doubt of that. Eightoonth quostion: Did the SD occasion any Gostapo monsuros against the faculty? Answor: I know nothing of that."

I have further submitted an affidavit by Hans Zimmermann on this point, SD Number 29 which was in the transcript of the Commission of the 23 of July, '46. Further, by Dr. Horstlaube, SD 31, also arising from the transcript of the 23 of July, 1946. Furthermore, SD 26 by Dr. Zirnbauor. There is no summary in the transcript; therefore, I shall make the following brief statement.

Zirnbauer made two original reports as honorary associate and submitted them to the SD, and he testified in lieu of all that these were reports which he had prepared as confidential agent of the SD. Then, I should like to state that these are the only two original reports which I was able to obtain. Testament One is a report on the supplement of an Alsace-Lorraine catalogue of the geographical section and Saarbruecken State Library was absolutely necessary. Supplement Two was a report on the Salzburg concert life. I have further submitted SD Number 30 of Zollern, arising from the transcript of the 23 of July, 1946. The next affidavit refers to the statement of the Prosecution that the SD was part of the SS all the time. The introduction

to the Trial Brief against the Gestapo, and the SD is page 12 of the English version, and on page 67 of the English version,

In this connection I submit SD Number 32 and a short summary by Otto Ohlendorf. The short summary is in the transcript of 23 of July 1946. The next affidavit refers to the assertion of the Prosecution that the SD played a role of execution of one or more tasks, at least, the indictment of the SD. Roman numeral Two of Page 8 of the translation. In this connection I submit affidavit by Otto Ohlendorf, and the short summary arising from the Commission transcript of the 23 of July, '46.

The next affidavit --

THE PRESIDENT: You didn't give the number of that affidavit, I don't think.

DR. GAWLIK: SD Number 23, Your Lordship, I beg your pardon. 33, yes 33. The next affidavit refers to the assertion of the Prosecution that the SD and Gestapo were united in a unified police system. This is statement of evidence Roman numeral Two B, and Roman Numeral Three B of the Trial Brief against the Gestapo, and page 8 and 17 of the English version. In this connection I have submitted SD Number Two by Otto Ohlendorf, the short summary arises from the transcript of the 9 of July, 1946.

Furthermore, SD Number 34, a short summary of the contents is in the transcript of the 23 of July, '46. SD Number 35 by Dr. Hoffmann, and the short summary is in the transcript of the 23 of July, '46, and SD Number 36 by Ohlendorf, and the short summary of the contents is in the transcript of the 23 of July, '46. With the next Affidavit, I want to prove that the SD had no executive power. In this connection I have submitted the affidavit SD Number 20 by Alfred Rutter, and the short summary of the contents arises from the transcript of the 9 of July '46. The next two affidavits are a supplement to the affidavit of Dr. Wilhelm Hoettl. The Prosecution document PS 2614. I submit in this connection a supplementary affidavit SD Number 37 by Dr. Wilhelm Hoettl.

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THE PRESIDENT: That has been submitted to the Commissioner, has it?

DR. GAWLIK: Yes, Your Lordship. The summary is in the transcript of the 23 of July, '46. I have asked that this affidavit be translated completely; and I submit the complete translation.

I further submitted on this point SD Number 38 by Theo Gahrmann, and the short summary of this affidavit is in the transcript of the 23 of July, '46.

With the next affidavit I want to prove that the SD had no influence on the selection of SA fuehrers. This is a statement of Evidence, Roman numeral Three B, page 16 of the Trial Brief against the Gestapo and SD. In this connection I submit affidavit SD 4 by Max Juettner. The short summary of the affidavit is in the transcript of the 9 of July, '46.

With the next seven affidavits I want to prove that the SD had no influence on the selection of Party leaders. This refers to Statement of Evidence, Roman numeral Three B, page 18 of the English Trial Brief. I submit SD Number 5 by Otto Frohner, for the former Gau Mainfranken. SD Number 6 by Otto Biedermann for the former Gau Thuringia. SD Number 7 by Siegfried Ueberreither for the former Gau Coringia. SD Number 8 by Carl Wahl for the former Gau Schwaben. SD Number 9 by Paul Wegener for the former Gau Brandenburg Wesa Ems. SD Number 10 by Albert Hoffmann for the former Gau of Upper Silesia and West Falia, South.

Furthermore, SD 39 by Adam Foertsch for the former Gau of Upper Bavaria. I do not yet have the translation of this. I shall hand it in later.

The next affidavit refers to the assertion of the Prosecution that the SD examine the loyalty and reliability of the state officials. Statement of Evidence Roman number Three B of the Trial Brief, Page 18 of the English version. In this connection I have submitted affidavit SD 3 by Werner Mai. The short summary of the contents is in the transcript of the 9 of July, 1946.

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Now, I come to crimes against peace. With the next affidavit I want to prove that the SD, in the border instance of August of 1939, the SD was not employed, and that the members of the SD did not have any knowledge of it. Statement of Evidence, Roman number Five, page 23 of the English version.

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In this connection affidavit SD 11, by Dr. Marx. The short summary of the contents is in the transcript of 9 July 1946.

Now I come to the war crimes, "Statement of Evidence" VI A of the Trial Brief against the Gestapo and SD, page 25 of the English version. In this connection I submit affidavit SD 41 by Karl Heinz Bent. The summary of the contents is in the transcript of 23 July 1946.

I have, furthermore, submitted on this point SD No. 42 by Walter Schellenberg. The summary of the contents is in the transcript of the 23 July 1946.

I shall submit the complete affidavit of SD 43 by Heinz Wanninger and SD 44 by Otto Ohlendorf. The summary of the contents is in the transcript of 23 July 1946.

I have submitted on this affidavit SD 45 by Erwin Schulz. The summary of the contents is in the transcript of 23 July 1946.

I have submitted on this point SD 46 by Otto Ohlendorf. The summary of the contents is also in the transcript of 23 July 1946.

With the next affidavits I want to prove that the members of the Leitabschnitte -- the Leaders Units, the Aussenstelle -- Branch Offices, and the Vertrauensmanner -- confidential agents -- had no knowledge of the activities of the Einsatzgruppen in the East.

In this connection I have submitted SD No. 47 by Wilhelm Duerhof, which refers to knowledge in the former Gau in South Hannover and Braunschweig. SD 48 by Karl Heinz Bent refers to knowledge in the former SD sector in Stettin, Breslau, Duesseldorf.

SD 49 by Adolf Rott refers to knowledge in the former SD sector for Neustadt Weinstrasse and Saarbruecken.

These three affidavits were submitted on 23 July 1946.

With the next affidavit, which refers to the assertion of the Prosecution that the SD Abschnitt Telsidt participated in the liquidation of Jews and Communists in the border incidents, I shallsubmit a complete translation of my affidavit SD 12 by Wilhelm Sieps. The summary of the affidavit is in the transcript of 9 July 1946.

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The next affidavit refers to Prosecution Document PS 1475 and "Statement of Evidence" VI-A of the Trial Brief, page 25 of the English version. In this connection I submit the affidavit of Gerti Breiter, SD 69.

With the next affidavit I want to prove that the SS Major Puetz, mentione on page 26 of the English Trial Brief against the Gestapo and SD, did not belong to the SD but the Gestapo.

In this connection I have submitted affidavit SD 50 by Heinz Wanninger. The summary is in the Transcript of 23 July 1946.

The next affidavit refers to "Statement of Evidence" VI F of the Trial Brief, page 54 of the English text.

The subject of evidence in Prosecution Documents PS 553, PS 498, and PS 532, is not the SD Inland Amt III or the Foreign Information Service of VI or VI, but the Security Police. In this connection I submit affidavit SD 52 by Wilhelm Keitel. The summary of the contents is in the transcript of 23 July 1946.

The next subject of evidence is that the SD did not participate in lynch justice. I have submitted SD 51 by Walter Schellenberg. Summary of the contents is in the transcript of 23 July 1946.

Furthermore, SD 68, by Hans Steiner. The summary of the contents is in the transcript of 3 August 1946.

The next two affidavits refer to the assertion of the Prosecution that t SD murdered prisoners in the prisons, in order to prevent their being liberated by Allied troops. "Statement of Evidence" VI J, page 56 of the English version of the Trial Brief.

I have submitted SD 13 by Horst Laubel. The summary of the contents is the transcript of 9 July 1946. SD 14, by Fritz Wolfbrandt, is in the same transcript.

The next affidavit refers to the assertion of the Prosecution that the S participated in the forcible confiscation of public and private property; "Statement of Evidence" VI K, page 57 of the English version. In this connection I have submitted SD 15 by Kurt Klauke. The summary of the contents is in the transcript of 9 July 1946.

The next affidavit refers to the assertion of the Prosecution that the SD persecuted Jews. "Statement of Evidence" VII A, English Trial Brief. I have submitted in this connection SD 16, by Walter Keinz. The summary of the contents is in the transcript of 9 July 1946. Moreover, SD 17, by Emil Hausmann, is in the same transcript. Also, SD 53, by Emil Proeschel, in the transcript of 23 July 1946, and SD 54 by Dr. Laube in the same transcript.

The next refer to the charge against the SD of persecution of the church; "Statement of Evidence" VII B, page 63 of the English text of the Trial Brief.

I have submitted in this connection SD 55, summary of the contents being in the transcript of 23 July 1946. Walter Keinz, SD 18, in the transcript of 9 July 1946.

I shall submit later a complete translation of SD 19 by Helmut Fromm, summary of the contents being in the transcript of 9 July 1946.

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With the next affidavit I want to prove the methods, aims, and tasks of the SD in the Government General. I shall later submit a complete translatio, of Affidavit SD 56 by Helmut Fromm, summary of contents in the transcript of 23 July 1946.

With the next affidavit I want to prove that the Police in France were called SD. I have submitted in this connection an affidavit by Dr. Laube, SD 23, summary of contents in the transcript of 9 July 1946.

The next affidavit is submitted as proof that the members of the Gestapo and KRIPO in Belgium and Northern France wore the SS uniform with the SD insignia. I have submitted SD 24 by Walter Hofmeister, summary of contents in the transcript of 9 July 1946.

With the next affidavit I want to prove that the members of the SD in Belgium and Northern France did not belong to Amt III. I have submitted SD #25 by Walter Hofmeister, summary of contents in the transcript of 9 July 1946.

With the next affidavit I want to prove that belonging to the SD Amt III during the war was in general not voluntary but was based on legal order. In this connection I have submitted SD 57 by Bernhard Dilger, summary in the transcript of 23 July 1946; SD 58 by Dr. Ehlich in the same transcript; SD 59 by Karl Heinz Bent in the same transcript; SD 60 in the same transcript; and I submit SD 21 by Oskar Eisele, summary of the contents in transcript of 9 July 1946.

With the next affidavit I want to prove that withdrawal from the SD was not possible. I submit SD 22 by Werner May, summary of contents in the transcript of 9 July 1946.

The next three affidavits refer to the tasks, aims, and activities of Amt VI. I shall submit later, SD 61 by Walter Schellenberg; the summary of the contents is in transcript of 23 July 1946. Furthermore, SD 62 by Walter Schellenberg, summary of contents is in the same transcript. I submi furthermore on the tasks and activities of Amt VI-S, affidavit SD 66, by Otto Skorzeny.

The next affidavit refers to the aims, tasks, and activities of Amt VII. I submit this affidavit provisionally. The Commission did not decide whethe

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Amt VII was charged. The chairman of the Commission told me that the Tribunal would decide this question. It is SD 63 by Dr. Dietl, which I shall submit later.

The next affidavit refers to the assertion of the Prosecution that the immigration offices had the purpose of carrying out evacuations with the aim of permanent colonization of the occupied territories, the destruction of their national existence, and thus constantly expanding the German border. (Trial Brief against the SS, III G, pages 33 and 35 of the German translation.) I have submitted in this connection SD 64 by Martin Sandberger, summary of the contents in the transcript of 23 July 1946.

Now I have an affidavit to disprove the affidavit F-964 submitted by the Prosecution in the examination of Dr. Hoffman. I was not able to submit this affidavit to the Commission because the Commission had already concluded its activity when I received the affidavit. Therefore I ask that I may be allowed to submit this affidavit under SD No. 65.

THE PRESIDENT: You have one 65 already, haven't you? It came through the translation.

DR. GAWLIK: That should be SD 71, your Lordship. From this affidavit I shall read the following, briefly: "First, to prove knowledge about the facts given, I, Georg Schrebel, was in Brunswick as Government Councillor in 1939, temporarily in the Reich Criminal Police Office in Berlin, and from 1941 to 1945 as Section Chief for Personnel Questions in Main Office Security Police of the Reich Ministry of the Interior. From January 1944 on, I was also in charge of the Personnel Department of the Secret State Police, Gestapo. My last rank was Regierungsdirektor and SS Standartenfuehrer." The statement: "At no time in the existence of the Gestapo and the SD were there instructions or decrees from the Chief of the Security Police and the SD, or the Reich Ministry of the Interior, according to which the activity of the Gestapo, at the head or at its agencies throughout the Reich, was to be influenced or supervised by the SD. The agencies of the Gestapo were at all times completely independent. The independence and the separate division of the State Police made general influencing by the SD impossible. Supervision would not have been permitted by the Office Chief of IV or the Chief of the

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Security Police because this would have interfered with the actual responsibility of the State Police." I ask that I may be allowed to submit this affidavit when I have the translation.

Now I have a collective statement on 6,123 affidavits. I have not yet received the translations. I have only the French translations and I ask tha I may be allowed to submit the French translations. I submit the list on these affidavits. From my collective statement I ask to be allowed to read subject 18 regarding participation of SD members in executions in the areas of commitment. I have 140 affidavits on this subject of the agencies of the S from all parts of Germany for the time from 1939 to 1945, which state the following: "The agencies and members of the SD Amt III had no knowledge of the participation of SD members in executions in Einsatzkommandos in the East.

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Now I come to the presentation of my documents. First, I would like to submit that my documents are also numbered according to the Trial Brief against the Gestapo and SD. The first document refers to the charge of conspiracy.

First I submit as Document SD-1 an agreement between Himmler and Ribbentrop to establish a uniform German intelligence service. The document has already been submitted under USSR 120. I quote from this document the following: "The secret intelligence service has the task, so far as foreign countries are concerned, to gather for the Reich information in the political, military, economic and technical fields. The Fuehrer has ordered in addition that the secret intelligence service, so far as foreign countries are concerned, should be regulated in accord with the Reich Minister of Foreign Affairs."

Number 2 is an excerpt from the special plan of the security police and the SD. I shall not read this document but I will call the attention of the court to the fact that although Amt III and Amt VI were united with Amt IV and Amt V, Amt III and Amt VI had no police tasks.

The next six documents SD-3, SD-4, SD-5, SD-6, SD-7 and SD-8 belong together. They are excerpts dealing with the Reich's Ministry of Justice; SD-3, the Reich Traffic Authority; SD-4, the Agency of the Reich Food Office; SD-5, the Reich Forestry; SD-6, Reich's Ministry for Armament and War Production; SD-7, the Reich's Ministry for Food and Agriculture; SD-8, the cooperation of these agencies with the security service.

I call the special attention of the Court to the tasks set for the SD in these documents. I furthermore submit these documents as evidence that these things were the task of the SD. They had to cooperate not only with the State Police, but with all agencies of the State.

The next document is SD-12. With this I want to prove that the SD, in the years around 1936 did not have the significance assigned to it by the Prosecution.

The next document is SD-13. It is an excerpt from the circular decree of the chief of the SIPO and the SD of the 16 of October, 1941. This document shows that the SS and police jurisdiction effected only the regular members of the SD, not the honorary members. The majority of the members of the SD were

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honorary and were not under the SS and Police jurisdiction.

The next document is SD-14. Fourteen is an excerpt from a decree of the Party Chancellery. "Only the Hoheitstraeger of the Movement from Kreisleiter up are entitled to issue political evaluations or certifications of political reliability."

This document refers to the Trial Briefs against the Gestapo and the SD, Statement of Evidence, III and IV. The same subject of evidence concerns the next document SD-15. It is an excerpt from the RSHA on the 1st of June, 1940. This decree shows that from the 1st of July, 1940, the information bureau of the Amt I, SD, will be transferred to Division IV C 1. That is for political information of all kinds. The Gestapo Amt became competent and the Gestapo had no support from the SD.

The next document is SD 15-a, formerly called PS 3335 submitted by the Prosecution, but the SD was not at all the information service of the Party. Within its political organization, the Party had its own political report. And from the Kreisleiter on up, it had expert technical reports from all offices.

Document SD-16 is an excerpt from the memorandum by Hitler about the task of this four-year plan.

With SD-17, I want to prove that the activity of the members of the SD in the occupied territories was not voluntary, but was based on legal order. I quote from this document "Refusal of departmental personnel to undertake employment in occupied territories."

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I also quote "For members of personnel in public service to accept work in places other than the regular place of service has on principle been approved. Since a limitation to the Reich territory is not intended, a staff member -- provided the terms of the special service order have been complied with, especially now in time of war-- has to follow a detachment in the occupied territories too."

With the next documents SD-18 to SD-22 I want to refute the assertion of the Prosecution that the SD has special regulations in Prisoner-of-War Camps in order to segregate racially undesirable persons and to execute them; Trial Brief against the Gestapo and the SD, Statement of Evidence, VI-D.

In the case of Document SD 18. It is an excerpt from t Chief of the Security Police and the SD. I call the attention of the Court to the file note, IV-... This refers to the jurisdictio of the Gestapo. The decree is furthermore addressed to all state police officers and the commander of the security police in Lublin.

Document SD-19 is the next document. I should like to call the attention of the Court to the file note IV-A. I quote from this document. "The regional and branch offices of the Gestapo are again requested to bring to a rapid conclusion those examinations which are still under way."

Document SD-20 is next. This document concerns the labor committment--

THE PRESIDENT : Dr. Gawlik, what is the meaning o SD-19, Paragraph 2? The writing refers especially to various figures and then "No. 9242 Top Secret, according to which the selection of all prisoners of war is to be made in the future in the General Government only." How do you select prisoners of war' What does that mean?

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DR. GAWLIK : That is the charge which the Prosecution has made. I want to prive that this was done by the Gestapo alone. In this decree it is ordered that those selections are to be carried out only in the Government General in the future. This is no t relevant in this connection, Your Lordship. I am only interested in Paragraph 3.

THE PRESIDENT : But it is a document of the SD, is it not? It is an administrative ruling, is it not?

DR. GAWLIK : Your Lordship, the Chief of the Security Police and the SD had 70 offices. For this reason it is important which of his offices acted. Office 4 was the secret Police, Gestapo. Office 3 was the domestic SD. Office 6 was the Foreign Service. Each of these offices had its own chief. Office 4 is another organization. Over these offices was the Chief of the Security Police of the SD. This title does not show what the SD had to do with it. One must examine which of his offices did it, whether it was Office 4, 3 or 6. And where I have called your Lordship's attention to the file note, IV-A, that was Office 4, the Secret State Police, Gestapo. This shows that Offices 3 and 6 had nothing to do with this matter, only Office 4. This is again shown by number three which refers expressly only to the State Police offices.

THE PRESIDENT : Very well, we will ajourn now.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, August 20, 1946).

DR. GAWLIK: In answer to the last question of your Lordship, I think it would assist the Tribunal if I briefly indicated the direction of my evidence and what I propose to establish by means of that document.

It is assumed by the Gestapo that the Security Police and SD were independent organizations. The Gestapo is indicted separately, the Criminal Police is not indicted and the SD is indicted as a unit of the SS. Above all of them stood the Chief of the Security Police and the SD and in that small way it can be compared with the petition of the defendant Goering, who was the Supreme Commander of the Airforces, Prussian Minister and President, Prime Minister and Hunting Master. Thus, from the addition of the Security Police and the SD you cannot draw the conclusion as to which was which and that becomes apparent from the reference and file numbers and the people who dealt with those files and I am trying to establish that by means of my document.

I now come to document SD 20, which deals with the employment of Soviet Russian prisoners of war. One paragraph deals with the very question which your Lordship addressed to me with reference to previous documents and I shall therefore, read the document.

"In order to avoid any delay in the removal of newly incoming prisoners of war into the Reich, the selection of political commissars and directors by detachments of the Security Police will be carried out in the future in the General Government only. In the General Government the selection is further carried out by the Security Police."

With that I am trying to establish that we are here purely concerned with the measure of the Security Police and not the SD.

It then goes on to say:

"In order to insure a more rapid execution, the Security Police will reinforce its detachments in the General Government."

I then pass on to document SD 21. In connection with this document, I beg to draw the Tribunal's attention to the file reference IV, that is to say we are concerned with measures of Department IV and Department IV was the

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Secret State Police, The Gestapo. Had it been the SD then the file reference would have been III or VI.

THE PRESIDENT: In the document you have just been dealing with you have got 2A III E at the top, and you have III E a little bit further down.

DR. GAWLIK: Your Lordship, the higher one is the general collection of decrees of which there are several volumes which I got from the library here and it is with reference to this general collection of decrees that 2A IIIE refers to and then the file reference is IV A (1 c) 2468 A B/42 G.

THE PRESIDENT: Just by the first of April, 1942, there is III E. What does that mean -- OKW File No. 2F 24.73, 'prisoner of war organization 3 E?

DR. GAWLIK: I have not got that. Your Lordship, I have not got that here, I do not know at the moment.

THE PRESIDENT: Immediately under the words: "re: labor detachments for agricultural work."

DR. GAWLIK: May I beg to ask your Lordship, did you refer to SD 21? That is a military file reference, your Lordship. It says OKW Supreme Command of the armed forces, file reference of the armed forces chief of prisoner of war organization III E and that III E has nothing to do with Department III.

THE PRESIDENT: All right, go on.

DR. GAWLIK: I now come to document SD 22, as we are there concerned with extracts from the directives for the detachments of the chief of the Security Police to be assigned to the prisoner of war camps for enlisted men. The date is 17 July, 1941.

I beg to draw the Tribunal's attention in this connection to the fact that the chief of the Einsatzcommandos are ordered to get in touch with the chief of the nearest State Police office or the Commander of the Security Police and the SD.

In the case of the commander it is a commander similar to that of the Security Police and SD; he too had several sub-departments. III was SD, IV was State Police, V was Criminal Police and so this type of commander does not

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say either with which departments we are concerned or which department worked on it.

I should like to draw the attention of the Tribunal to the fact, however which is contained in the following sentence.

"As a matter of principle, such communications must for information be communicated to the RSHA IV A 1."

From that it becomes evidence that the measures were only dealt with in Department IV, that is the State Police, and that the Department III had nothing to do with it.

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The following documents SD-23 and up to SD-28, inclusive, refer to the allegation on the part of the prosecution, according to which the SD had carried out the decree "Kugel" Bullet. I refer to the trial brief against the Gestapo and SD statement of evidence 610, and I shall first of all deal with Document SD-23.

The document has already been presented by the prosecution; but it was given the number 1650-PS, being the teleprint letter from the Gestapo to the sub-department Aachen and to all leading state police departments. I quote, in order to prove that here, too, we are merely concerned with measures by the Secret State Police, the Gestapo.

"To this, I order the following: 1. The regional offices of the State Police are to take over the recaptured escaping PW officers from the Stalag Commanders and to transfer them to the Mauthausen concentration camp, according to procedure which is customary till nowunless circumstances make a special transport necessary.

"2. The OKW has been requested to instruct the PW camps that for the purpose of camouflage the recaptured persons should not be delivered directly to Mauthausen but to the competent local office of the State Police."

I then come to Document SD-24.

THE PRESIDENT: Why do you leave out the fact that those documents were addressed to Inspectors of the Sipo and the SD ?

DR. GAWLIK: Your Lordship, the case of the inspectors is the same as that of the chief of the security Police, in that it indicates the commanders The inspector was above the level of the Criminal Police, above the State Police , and above the SD. That is to say, he was exercising all three functions.

THE PRESIDENT: According to this he was an Inspector of the SD.

DR. GAWLIK: He was Inspector of the SD; but that would not allow the conclusion that he was also simultaneously inspector of the Security Police the Sipo, in the same person, that when carrying out that activity he was carrying out activities in the capacity of the inspector of the Sipo.

We are here concerned only with personal union but to counteract that prisoners of war were only to be taken there by the regional offices of the State Polic that the SD Service Department had nothing to do with it. It says the regional offices of the State Police are to take over the recaptured prisoners. As the inspectors of the Security Police had jurisdiction; they were above the regional Police Department and had control of these measures of the State Police in his capacity of the Security Police. Also simultaneously he was inspector of the SD; but that does not mean that these things were to be carried out by the sub-departments of the SD.

I come to Document SD-24. It has already been presented under PS-1165 and in this connection I beg to draw the attention of the Tribunal to the fact that this is signed by Mueller, who, as is known to the Tribunal, was the chief of Department IV. This again shows the sole responsibility of the Gestapo.

Document SD-25 is a circular decree from the chief of the Political Police of the SD, dated the 20th of October, 1942, which deals with the treatment of escaped Soviet Russian prisoners of war, and again I beg to draw the attention of the Tribunal to the file reference, which is IV.

I will now quote: "I request that the regional main offices of the State Police instruct all the police offices of the area, even if it has already been done, according to Article 3 of the decree of the High Command of the Armed Forces of the 5th of May, 1942.

May I say to your Lordship in this connection that if this had belonged to the tasks of the SD Department then the SD Service Department would also have had to be formed.

THE PRESIDENT: Dr. Gawlik, I don't think it is doing any good at all to argue each document over. You must make your final speech at some time; and unless there is anything really very important in a particular document which you want to draw our attention to - that we can really consider it before you make your final speech, you had much better leave the argument upon the documents until you get to your final speech. This is simply wasting your time without having any useful purpose at all.

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DR. GAWLIK: Your Lordship, I only did ---

THE PRESIDENT: Well, up to the present you have commented upon each document as far as I can see, SD-22, SD-23, SD-24, SD-25, each one of them; and you are going through the book like that. Why don't you offer them all in evidence in bulk; and then if you want to draw our attention to any particular document for some particular purpose as I say, because you think it is important and we should consider it before you come to make your final speech, do so. But don't spend time in just explaining what each document is. We have to hear all the other organizations before we come to hear your speech.

DR. GAWLIK: Your Lordship, I only did it because I gathered from the question your Lordship put to me that there was some lack of clarity with reference to this point, namely, the position of the Chief of the Security Police of the SD and the commander and the inspectors.

THE PRESIDENT: I only put a question to you because you were going through each document in turn and I couldn't understand what the documents were about.

DR. GAWLIK: Documents 27 and 28 also deal with the allegation on the part of the prosecution regarding the decree "Kugel" Bullet. May I perhaps quote from Document No. 28: "In as far as Soviet Russian prisoners of war are returned prisoners of war captured and brought back to the camp according to this order, they are in every case to be surrendered to the nearest office of the Gestapo."

The following documents, SD-29 to SD-42, deal with the accusation raised against the SD by the Prosecution, according to which they are to be held responsible for the institution and designation of concentration camps and for the transfer of political and racial undesirable persons into concentration and extermination camps for the purpose of forced labor and mass extermination. That is page 43 of the British trial brief. These documents show that the SD did not in any way participate in these measures; and, if I may, I should like to read one sentence of Document SD-29. "In the future, restrictions of personal liberty in accordance with Article 1, of the Decree for the protection of People and State of 28 February, 1933, may be ordered only by the Secret State Police Office with effect for the entire state, territory and

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by the governors of provinces and presidents of government districts, by the police president in Berlin and by the state police (Gestapo) branch offices for the local sphere of their authority."

From Document SD-31 I quote: "Protective custody can be used as a measure of the Secret State Police in order to combat any activities hostile to the state and the people. Only the Secret State Police is entitled to the decree of protective custody."

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Document 37 deals with the allegation by the prosecution according to which the SD had also administered concentration camps. I shall, therefore, quote one sentence from the document:

"The camp commandant of concentration camps is in charge of any economic plan of the SS within its sphere of organization."

The administration of the camp also becomes part of document SD-38.

THE PRESIDENT: I can't see any point in drawing our attention to that document at the present time.

DR. GAWLIK: In the trial brief the accusation has been raised against the SD that they also had administered concentration camps.

THE PRESIDENT: But this document doesn't show that they did not.

DR. GAWLIK: Document SD-37 is a decree from the Chief Economic Department of the Administrative Main Office. That was a completely different department, which had nothing to do with the RSHA.

THE PRESIDENT: It seems to me to be quite vague as to who the camp commandants of concentration camps are. As I say, it doesn't seem to me to be a document which it is necessary to refer to at this stage.

DR. GAWLIK: I then refer to document number SD-39. There it says: "The transfer of the Inspectorate of the Concentration Camps into the Economic Administration Main Office has been carried out with the full agreement of all main offices concerned."

From this it becomes apparent that, first of all, concentration camps were under the jurisdiction of the Inspectorate of the Concentration Camps, and that they were then transferred to the SS Economic Administration Main Office. However, that was part of the RSHA.

The fact that concentration camps were under the jurisdiction of the Inspectorate of Concentration Camps also becomes apparent from the previous document, SD-38.

I beg to refer you to document number 40, in which it is explicitly stated:

THE PRESIDENT: (Interposing): You are not taking the slightest notice of what I said to you. You are going through every document, or practically every

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document -- not every document. You began this by saying that 29 to 42 dealt with concentration camps. Then you went to 37; then you went to 38; then you went to 39. They really don't help the Tribunal at all. You have told us that 29 to 42 referred to transfer to concentration camps. Well, that is quite enough. Unless there is a document which is really important, which we should study before we hear you make your speech, the summary that 29 to 42 deal with transfer to concentration camps is quite enough.

DR. GAULIK: I had thought that I would be assisting the Tribunal by drawing their attention to the fact that concentration camps came under the SS Economic Chief Administrative Department and not the RSHA. Only for that reason did I discuss these further documents.

Document SD-43 to 49 deal with the accusation that the SD had participated in the deportation of citizens of the Eastern Territories for the purpose of forced labor, and that they had the task of supervising this forced labor.

SD-43 shows the jurisdiction of the State Police.

I quote from these documents only the following. From document 43, under figure "2":

"The tasks arising from the employment of Soviet Russians are to be coordinated with the Section and the State Police, if proper, from the Regional Office, and are to be handled by a criminal police officer under his direct Chief of the State Police Regional Office."

I now quote from Appendix 1 to Document 43 one sentence: "The recruiting of labor from the former Soviet Russian territory is carried out by recruitment commissions from the Reich Ministry of Labor. The recruiting commissions of the Reich Labor Ministry will create reception camps."

Document SD-50 deals with the Commando Order. I beg to draw the Tribunal's attention to the words "are to be handed over to the Security Police."

Documents SD-51 up to and including 53 deal with the assertion on the part of the prosecution that the SD had the task of protecting civilians who had lynched fliers belonging to the Allied Nations.

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Document SD-54, already in evidence under USA 504, PS-668, deals with the carrying out of the Nacht und Nebel decree.

Documents SD-55 up to and including 57, deal with the assertion on the part of the prosecution that the SD, in summary proceedings, had arrested citizens of occupied territories and took them before tribunals and courts and punished them.

I beg to draw the attention of the Tribunal to document SD-55, which is also L-316, and from that I shall quote one sentence: "Foreign nationals are in the future to be turned over to the police."

I quote one regulation, one sentence, from document SD-56: "Penal actions of Jews are punished by the police."

Documents 58, 58-a, 58-b, and 58-c deal with the assertion on the part of the prosecution according to which the SD had cooperated in the confiscation by force of private property.

From document SD-58 I shall quote one sentence:

"The confiscation will be declared by the main office of the State Police in favor of the Reich of Greater Germany."

SD-59 and SD-60 deal with the third-degree methods during interrogations.

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In this connection I beg to draw the Tribunal's attention to Roman Numeral IV which deals with the jurisdiction of Department IV, Secret State Police. In document SD-60 are the existing regulations applicable to the Security Police. The documents 60-a up to SD-64 deal with the illegality in reference to the SD according to which crimes against humanity are to be submitted. SD-60-a up to 63 deal with the persecution of Jews. Document 62 -- In connection with this document I beg to draw the attention of the Tribunal to Roman Numeral IV-B, and also the signature "Mueller". Document SD-64 refers to the reports against the SD in reference to the persecution of the churches.

The document SD-65, up to and including 69, deals with the lawful regulations on the strength of which during the war a large portion of members of the SD Department III and VI were called up. From document SD-65 I should like to draw the attention of the Tribunal to the following sentence.

"As consumers", and I shall omit a few words, ". . . the SD sectors are, during war-time, based on the requirements of the popular demands in reference to the trials of prisoners."

I now come to document SD-70, regarding which I have been unable to agree with the Prosecution. I should like the Tribunal to make a decision, therefore, regarding the question as to whether or not I am allowed to introduce this document.

THE PRESIDENT: I have only got one document book.

DR. GAWLIK: It is in the appendix, your Lordship. Your Lordship, may I send up the original?

THE PRESIDENT: Yes. Will you tell the Tribunal what it is about?

DR. GAWLIK: With this document I am first going to try and prove that the SD did not belong to the Police and did not belong to the SS. I shall furthermore establish, by means of this document, that in the Reich the SD and the Security Police were separate organizations and I want to prove the different tasks of Department III. I beg to draw the Tribunal's attention to the fact that in Section IV the SD is called the German Intelligence Service.

THE PRESIDENT: This is a book produced by the Allied Commission, isn't it? Supreme Headquarters, Allied Commission, and you are offering that,

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is that it?

DR. GAWLIK: Yes.

THE PRESIDENT: Has there been any formal application for this document?

DR. GAWLIK: Oh yes. In my appendix to the document book. There the document is included. But I have not reached an agreement regardingthat book with the Prosecution.

THE PRESIDENT: We will hear the Prosecution about it.

LT. COMMANDER HARRIS: May it please the Tribunal, we have no strong objection to this document. It is simply one of several which we discussed and we did not agree upon it. Our objection is primarily to its value insofar as intelligence is concerned. It is an intelligence book and therefore what is had in that book is of a purely intelligence nature. It is dated April, 1945. That is the date of its publication and quite obviously, as of that date, the information could not be available as is now available to the Tribunal in a competent form.

DR. GAWLIK: Your Lordship, may I . . .

THE PRESIDENT: You may admit the book for what it is worth.

DR. GAWLIK: Well, then, first of all I beg to draw the Tribunal's attention to the fact that in this book the position of the State and the Party is sub-divided into four parts and the intelligence service is given a section of its own -- Roman Number IV. Roman Number I is the Police; Roman Number II is Military Units; Roman Number III, German Police, and Roman Number IV, is the German Intelligence Service: The organization that is of Department III and VI.

I then begto draw the attention of the Tribunal to the fact that in the case of the SS, it states that the SS consists firstly of the Waffen SS and then of the General SS, and the SD is not listed there. And I further beg to draw the Tribunal's attention to the fact that the intelligence service mentioned under Roman numeral IV is sub-divided into the SD in the Reich; under Roman numeral II the organization of the Security Police, and the SD outside of the Reich, and thirdly, into Department VI.

And then I beg to draw the attention of the Tribunal particularly

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to the following statements regarding the activities of Department III. There it says: "The information supplied by intelligence agents are digested into reports. These reports are extraordinarily frank." I translated that myself. "They contained a complete and undisturbed picture of the attitude and frame of mind in Germany."

I now pass on to my last document. That's a letter from a clergyman Wohlfass, and I submit it because I just received it lately and I have not had time to have it translated. The letter refers to a document where the SD is supposed to have supervised the illegal. . . and in that document there is an assertion that the population had voted "no" and had submitted the vote as "no" to the letter. And then follows the statement that no measures were taken against the father who has since died. This completes my summarization of documents.

Your Lordship, am I to submit to the Tribunal an index or am I to submit that in writing where the documents can be found, that is, on what pages?

THE PRESIDENT: I think we have got that. Haven't we got it at the beginning of your document book? We have an index.

DR. GAWLIK: Yes.

THE PRESIDENT: Are you going to make a separate document of it?

DR. GAWLIK: Yes, I wanted to say here that I have the original documents. I only have some of the original documents, some of them are documents of the Prosecution, of course.

THE PRESIDENT: If you think it would serve a useful purpose, by all means submit your index under a separate number and deposit it with the Tribunal.

DR. GAWLIK: Very well.

THE PRESIDENT: Dr. Kubuschok, when you were dealing with the witnesses were we dealing with the Reich Cabinet next? Are you prepared to go on with your documents?

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THE PRESIDENT: Yes, Dr. Kubuschok.

DR. KUBUSCHOK: Altogether I have four affidavits. They have been submitted to the Commission. They are being translated, and the translations are not yet ready. I shall submit them at a later stage, and I shall confine myself today to submitting a few very important passages from those affidavits which I shall read into the record.

The first affidavit is No. 1. That is from the Secretary of State and later Minister Dr. Otto Meissner. I shall read the following passages from this affidavit.

First of all, Miessner deals with the work of the cabinet, particularly with the first period after Hitler had formed the government; and he states in this connection:

"The Reich Government worked according to previous custom; that is to say, draft laws were decided upon at meetings of the cabinet, during which procedure objections could be raised. The superior and uncontested leadership of that government was Hitler, right from the beginning, who, in this connection, was basing his actions, formally speaking, on the existing legislation, according to which the direction of the police of the Reich was to be decided upon by the Chancellor. These directions were no different from those which he stated publicly, repeatedly during speeches which he had made."

A little further on, he says that all the important political decisions, such as the annexation of Austria, the march into the Sudetenland, the signing of the pact with Italy, the march into Bohemia and Moravia, and the attack against Poland and the neutral countries, all took place without previous resolutions' being passed by the cabinet, and even without previous information's being passed to the members of the government unless they had been personally informed by Hitler.

Just like every other citizen they learned of these events only through the radio and the press. The members of the Reich government were thus removed from any political activity, against their will and without any guilt on their part, and they were limited to the managing of their department. They were merely leading civil servants in their department.

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Any possible intention on Hitler's part to begin a war was therefore not recognizable by those ministers, no more than were intentions regarding the use of his power for actions in violation of existing international law.

The affidavit further deals with the law of the 3rd of July, after the end of the Roehm Putsch. Finally, the affidavit goes on to state as follows, "that members of the Reich government, in spite of the increasing brutality of the course pursued, remained in their offices, according to my own observation, and apart from the fact that principally the Fuehrer would not accept resignations and particularly in war time, considered the reduction of the armed strength entirely due to the fact that at least middle class ministers were under the impression that by their resignation their department would be all the more headed by untrained officials. In that manner they would not only have damaged the legitimate interests of their departments, but they would have surrendered themselves totally to attack."

Affidavit No. 2 originates from the former Reich Minister Darre; and I quote:

"Foreign political questions of principal importance were, according to my memory, not discussed in the cabinet. In no case were there during cabinet meetings any utterances of even hints from which an agressive war could be inferred."

A further part of the affidavit states:

"I emphasize that no agressive plans against Poland were known to me, and that as far as that is concerned no tasks were given to me in my capacity as Minister of Agriculture".

Darre then goes on to describe his differences with Hitler, and he state

"During a discussion with Hitler about this subject -- and that was before the actual creation of the law -- there had been arguments about this law, which was to be introduced into the occupied territories. There was a very serious clash, in the course of which I resigned. Hitler thereupon replied that I was subject to the laws of war, and that I would have to leave my position as and when he, Hitler, thought the right moment had come, and not when I thought it best to do so."

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How Darre was finally eliminated from his position becomes apparent in the last part of the affidavit. Hitler had given orders to Darre. I quote:

"For the outside world I was to report sick, and it was desired that the public impression should be that it was for reasons of health that I should temporarily leave my office. I refused, however, to report sick, and I was told to leave Berlin. After that I lived in a lonely blockhouse in the Schorst Heide, out of the world. Formally speaking I remained a minister until the collapse of the German Reich, although I asked Lammers repeatedly to remove my name from the budget, and Lammers had actually reported to Hitler about this point."

The third affidavit comes from the former minister in the Reich, Count Schwerin Krosigk. Schwerin Krosigk describes in one part of the affidavit a meeting with the former Reich Chancellor Bruening in 1932. I quote:

"I waspartly in agreement with Bruening, who, a few weeks before his resignation, had told me at Baden Weile, while we were both taking a vacation, that the time had now come to give responsible positions to the National Socialists. In the long run one could not resign by means of the emergency laws published by the Reich President, and the strongest party could not permanently be left in the position of the opposition. Unbounded agitation on the part of National Socialists could only be effectively deleted by means of giving them full responsibility."

In a further part of the affidavit, Schwerin Krosigk points out that it was on the 30th of January, 1933, when he saw Hitler for the first time in his life. I quote:

"My joining Hitler's cabinet was due to the reason that I, together with all the other bourgeois ministers, wanted to form a counter-balance to the totalitarian claims for power put up by the party."

Regarding the initial period of this government, the affidavit deals with this at great length; but I shall quote only one sentence:

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"In addition, the course that was followed at that time appeared a moderate one. That objection raised on the part of the bourgeois ministers did, in fact, lead to alleviation of certain hardships, even to the cancellation of certain legal rulings which had been proposed."

Regarding the joining together of the office of the Chancellor and that of the Reich President, the affidavit states among other things:

"Hitler's demand to hand both offices over for his own purposes and thus completing the last step in a totalitarian reign could not be opposed by the bourgeois ministers, because it was perfectly clear even at that time that such a powerful position of Hitler corresponded completely to the will of the German people."

Another point of the affidavit states with reference to this same question -- and I should like to remark in this connection that Hitler himself, with reference to his demand for holding both these positions, made this demand acceptable to the cabinet by stating that he did not consider that to be the final solution, but that he took no responsibilityfor a later mergerof these two offices -- summarily that the Reich Government as such had no political tasks as far as giving orders or leadership tasks were concerned, because persons as such were acting who were personally and specially chosen.

At the end of the affidavit Schwerin Krosigk states:

"Upon retrospective reflection I must maintain that Hitler deceived his ministers no less than he deceived the German people, and that over and above that he deceived the world. The statements he made to us, the Ministers, regarding his intentions were principally speaking no different from those he made publicly. That his will was in reality different could not be expected, considering the convincing power of his words. This applies in particular to his repeatedly emphasized will for peace. If I am told today that as early as November, 1937, Hitler was thinking of war as a means of achieving his foreign political aims, then this is diametrically opposed to what he told me at the beginning of 1939, or had had expressly communicated to me through Secretary of State Reinhardt, namely that I need not worry about armament expenses since now we had before us a long period of peace, and through it, a reduction of those very expenses.

Finally, with Affidavit No.4, I propose to submit an affidavit from the

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former ministerial director, in the Ministry of Food, his name being Rudolf Harmeninck. Harmeninck describes a task given by Hitler to Secretary of State Backe, which deals with preparations for war for the Russian campaign. There are explicit instructions in this from Hitler according to which the minister himself, Darre, is to be kept in the dark regarding thos preparations. And concerning that, I quote:

"A fewm nths before the outbreak of war with Russia, measures were introduced in the Reich Ministry of Food, which, for instance, entailed the getting ready of agricultural machinery and agricultural workers for a special task, as became apparent after the beginning of the Russian campaign, namely the use in Russia. The order for this purpose had been given to the Secretary of State Backe directly, and by leaving out the Minister Darre. In fact, they had to be kept secret from the minister according to instructions attached."

Those, Mr. President, are the affidavits which I am going to submit. Then I have a document book with altogether 68 documents, which I have submitted to the Tribunal.

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I refer to this document book as follows: In the main, the documents contained therein are the official reasons and official points of view with reference to the draft laws of that particular period. These laws were attached to the draft laws and circulated amongst the various ministers. Whatever is contained in these arguments is therefore the reasons the individual ministers were given with reference to the admittedly proposed law. Perusal of these arguments will show with which pertinent reasons these laws were justified. The remaining documents which I have submitted, are the following: I should like to draw your attention particularly to No. 3, the Manifesto by the Reich Government to the German people, of 1933, containing the directives for the policy of the cabinet.

Document No. 9 contains official information from the leaders of the parties which were dissolving themselves in the year of 1933. The individual party leaders in this document confess their belief in the new course of the government and they are calling upon their followers to follow this government and support it.

Finally, I refer you to document No. 63 which is an article by Reich Minister von Blomberg, Reichsminister for War, on the subject of Germany's compulsory military service. As far as the remaining questions are concerned and particularly the work in the organization, witnesses Lammers, Weizsaecker, Goering and von Neurath had been heard at considerable length. I ask the Tribunal to consider that testimony when considering the case of the Reich Government; and with that, Mr. President, I have come to the end.

THE PRESIDENT: We will adjourn.

(A recess was taken.)

THE PRESIDENT: Dr. Pelckmann.

DR. PELCKMANN: Your Lordship, the Tribunal: I refer first to the transcript on the examination of witnesses before the Commission, which the Tribunal no doubt has. There were twenty-nine witnesses. Then I begin with the presentation of documents. I have divided the documents into various groups so that I hope I can finish the presentation very quickly. First, the documents Nos. 1, 2, 3, 5, and 84. The first three documents deal with the so-called "ideals" of the SS; something is said of the community of morals and

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so forth; and proof is given that this was the basis of the training.

Document 5 says that the members of the General SS carried out their normal civil occupation and the SS Service was only supplementary.

Document 84 makes it clear once more that the SS was a branch of the party and in contrast to the other SS formations, which I shall present later. This was represented by the NSDAP in case of complaints.

In document No. 6 and USA 441, which I submit once more, the basic laws of the SS are mentioned which, for the individual men, were laws which decidedly decent -- regulation regarding savings and so forth. I must present what is important for my final plea.

Document 4 and 103 belong together. Document 4 shows that the SS men swore an oath which did not differ from that of the old civil servants but did differ from that of a soldier, for the soldier swears absolute obedience but the SS man does not.

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Document 105 deals with the fact that this oath was made in God's name, and Himmler says in reference to that that men who donot believe in God, "I consider the men to have megalomania and to be dumb. They are not suitable for us."

Document 84 which I just quoted, shows once more that the SS-Verfuegungstruppe and the SS- Totenkopf units did not belong to the General SS. For they did not have civil occupation, they were state employees. And in case of complaints against these members or these formations, that means SS Verfuegungstruppe and the Totenkopf units, the complaint is to be directed to the Ministry of the Interior. This is very important for the concentration camp question.

Then there follow documents 8, 9, 10, 11, and 42. During the war the Waffen SS was created. Its members are instructed to fight decently and chivalrously and not make themselves guilty of punishable action in the enemy country toward the civilian population, and to respect the prisoners of war and the dead. For the members of the Waffen SS, which is shown especially by document 42, the basic rules of the SS apply only when the individual Waffen SS men were at the same time members of the General SS. For example, the so-called marriage order. The ideology is not applicable to theWaffen SS men, or the Verfuegungstruppe SS men were not subject to these special laws of the SS.

Documents 13, 14, 15, where the SS is accused of the plundering of the occupied eastern territory, these documents show that the laws in this respect were issued by the Deputy of the Four-Year Plan, Goering, or the Ministry of the Interior, Frick. The task of the Reichskommissars for Strengthening of Germanism and of the National German Agency were the resettlement and the return of Germans. This is shown by documents 15, 16, 17, 18, 19, 20, 22, and 23. Documents 25, 26, 30, 33, 34, 40, and USA 674, I submit as evidence that the civil service law, the emergency regulation, the constitution of German students, the agreement between the Reichs Fuehrers, and the Reichs Youth Leader, the Reichs Labor Leader, the Reichs Finance Minister, represented forced measures which made it possible for Germans to be placed in the General SS, the Waffen SS, Verfuegungstruppe SS, the Totenkopf units. Even the police auxiliary

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assistants were forcibly placed in the SS Women's Auxiliary. Documents 28, 30, 31, and 32 can be put together. They give an example of such compulsory obligations as just mentioned, by drafting into the General SS, Waffen SS, and the SS Verfuegungstruppe. Documents 29, 36, 38, and 39 show that citizens of foreign states, in so far as they were of German decent, were not drafted into the army of their respective countries, but into the Waffen SS. This was based on state treaties. The documents show further that large or small groupsof persons were forcibly placed under SS jurisdiction without being SS members, and were left under their old occupational designation but with the addition of the term "SS".

Documents 48, 53, 54, 57, and 60 deal more or less with the great compulsion exerted on police officials to join the SS. This was demanded with the expression, "I therefore expect

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that so-and-so will join...." It was demanded by continuous inquiries as to whether the person had joined. Even members of the order police, the Ordnungspolizei, were also more or less forced to join. Court officials, doctors, young officers, and non-commissioned officers were also pressed to join the SS. On the other hand, documents 52 to 55, and 56, show that the members of the police who joined the SS in this way did not carry out any SS service. They were also not obliged to perform SS training. The only sign of the membership in the SS was that when they were promoted they were also promoted in the SS.

Finally I have to deal with documents 65, 66, 67, and 68, which are purely external SS designations in police units. The Battalions and regiments, as well as fire prevention, police units, that is, units of the fire department received the designation SS as an external sign of recognition as it is mentioned in the decrees. As an example, I mention in this document, the Second Gendarmerie Battalion which became the Second SS-Gendarmerie Battalion; or the police regiment "Alpenland" which became the SS police regiment, and so forth.

The documents show further that in spite of all this, these SS police regiments remained with the Ordnungspolizei, that they received their equipment from the Ordnungspolizei, and everything else was attended to by the Ordnungspolizei. The individual policeman of these regiments, by this SS designation for the units, did not become a member of the General SS, nor a member of the Waffen SS.

Finally, the following documents deal with the question of to what extent the members of the SS knew of and desired the crimes charged by the Prosecution. Documents 70, 71, 73, 75, 76 and 79 are taken together. Through constant speeches, Hitler pretended his unchangeable will for peace. The government also stated that it wanted to preserve peace under all circumstances. The paper "Das Schwarze Korps", belying these statements, wrote that the SS did not like war; a statement of January, 1937, makes detailed statements about opposition to war. The documents 77 and 78 show that even outsiders like the Austrian Bishops and the English Government both, in the year 1938, were deceived.

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The German-English peace declaration of 30th September 1938 is well known. It expresses the will of both peoples never to wage war against each other again.

By Document 80, some official statements on the nature and character of the SA and the SS, it is shown that neither the SA nor the SS were armed and were no given any training with arms and were not trained otherwise for military purpose I assert that here only for the case of the SS.

Document 81 and supplement says that on the 16th April 1934 the German Gov ment offered the English Government a guarantee of the fact that the SS and the SA had no arms and were not trained for military purposes.

Not only outwardly was this thesis maintained, but also within the SS, in this case. This is shown by SS document 82. It is a secret Fuehrer Decree of 17 August 1938. This Fuehrer Decree states that the SS as a political organization of the NSDAP is not a military organization and needs no training and is unarmed. It states further in this decree that the members of the General--that is the unarmed--SS are at the disposal of the Wehrmacht in case of war, in accordance with the provisions of the National Defense Law, and not of the Waffen SS.

A small example of the deception of the masses on the peace aims: It is document 92, according to which it is a law of the Reich Government that any participation in the Spanish Civil War in any form whatever is subject to prison punishment, although thousands were fighting in Spain on Hitler's orders at the time.

Documents 87, 88, 90, and 99 show the following: Through the law on the transfer of defensive strength, the prohibition against listening to foreign radio, any spreading of the truth--and I take as an example the spreading of rumo on concentration camps--is in practice made impossible.

This policy continued strongly during the war. That is proved by Document 98. It is the well known speech of Himmler in Posen in 1943, Document PS 1919. I refe only to one sentence, in which it is said that, "Whoever is disloyal, be it even in thought, will be dismissed from the SS and will be seen to that he will be removed from life."

On the Jewish question, there are Documents 93 and 95. In February 1934 the Reich Minister of the Interior, Dr. Frick, said to the diplomatic corps that the only intention was to reduce the activity of the Germans of Jewish faith in pro-

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portion to other Germans, but it is expressly denied that forced emigration of these citizens would be undertaken.

The other document, Number 95, proves that in the year 1942, when mass destructions of Jews were underway, a law created a settlement in Theresienstadt for Jewish citizens. This, consciously or unconsciously, served to deceive the public about this extermination, and it deceived the SS members too.

The events of the 30 June 1934 are dealt with in Documents 83, 100, 74, 105 and 106. The public did not learn the truth. Through telgrams of Reich President von Hindenburg to Hitler and Goering, Hitler was thanked for taking steps. These telegrams were published in all papers. In his speech of 13 July 1934, Hitler described in detail the preparations Roehm had taken to overthrow the government, how he was in contact with foreign countries, and how an SS Fuehrer, who was mentioned by name, had prepared to attack his life. The situation was presented as so urgent that only immediate action, without judicial proceedings, could do any good. This speech, furthermore, promises the punishment of illegal excesses during this action.

Document 104 gives a sketch to supplement of the testimony of the witness von Eberstein. The actual position of the Higher SS and the Police Fuehrer is clarified.

The Document SS 107. I was able to give it to the Prosecution only this morning. I ask that it may be accepted, since I have just found it in the collection of decrees. It is a decree of the Reichsfuehrer SS of 27 August 1942. This decree expressly states that the main office of the "Volksdeutsche Mittelstelle" is not an SS office but a state organization. This question is important for the responsibility of the SS in the So-called Germanization program. This document has not yet been translated. I shall attempt to have translations made as quickly as possible.

That is my presentation of Documents. Your Lordship.

Now I come to my affidavits. In the examination before the Commission and in the examination of the five witnesses before the Tribunal. I could bring only witnesses who, because of their high positions, could give the Court an extensive survey of certain questions. With the affidavits the Defense had to attempt to present as large a number as possible of statements on the whole material of the

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Indictment, if possible, so that the Court might obtain an insight into the knowledge and deeds of the mass of small people. I have attempted to do so in the form of individual affidavits on certain points and in gathering together large numbers of statements on certain groups of subjects.

I submit first 114 single affidavits. They are SS affidavits 1 to 60, 63, 64, 68, and 69, 71 to 118. Affidavit Number 70 is made up by two SS members. It contains the contents of the affidavits of the internees of one camp. Camp No. 73. It refers to almost all of the points of the Indictment against the SS.

Then I submit the evaluation of 136, 213 individual affidavits and collective affidavits. I have given the numbers 119 to 122 to this.

Finally, the digest of a questionnaire which was sent to all camps under th Number 123. I regret that I cannot give the Tribunal the texts of these affidavi in English today. As far as I know, translations into French are available for all affidavits, and I shall attempt to turn in the English translation as soon as possible. I shall hand over the French translations.

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I then submit SS affidavits of Dr. Morgen, 65 to 67.

SS affidavits 64, 68, 69 and 70 I personally consider extremely importan I consider them so very important.....

THE PRESIDENT: Which are the ones you said were very important?

DR. PELCKMANN: 64, 68, 69 and 70.

THE PRESIDENT: Yes. Go on.

DR. PELCKMANN: I had asked for their translation. I have not submitted any summaries before the Commission, only the whole contents can b given. No. 70 is for the question of legal hearing of the aims of SS men. It is as important as the presentation of the digest of the 136,000 affidavits.

In order to shorten my presentation I have placed individual affidavits in groups and I hope that by giving these numbers I have made it possible for the Tribunal to have a few of the individual affidavits.

Group 1 contained the affidavit that the SS was a conspiracy in which n distinction can be made according to composition or to time. This is assert by the Trial Brief on page IX and X in the German version. In addition in t transcript on pages 1607 and 1608 of the 19th and 20th of December.

SS affidavit 116, Petri, proves that the Fuehrer Order of 17 August 193 USA 443, does not have the purpose of forming an organic connection between t General SS Death Head Formation and Verguegungstruppe but on the contrary to support these individual branches of the SS.

Now I sum up a group of affidavits, 13, 62, 49, 48, 42, 56, 55, 45, 54, 97, 98, 53, 50, 51 and 38. Of these affidavits I might remark, your Lordshi there is a translation in English of 52, which is being distributed. I beg your pardon, it is only in French, your Lordship. With these affidavits I prove the following: Certain groups are charged in the general indictment of the SS. They cannot be brought under the concept of a common conspiracy bec they had only a very temporary relationship to the SS or none at all. Other sponsors of the SS, the Farmers' Leader, the so-called honorary fuehrers, the SS Front Workers, the so-called SS railroad construction brigade, the postal protection, the national political education institution; furthermore, the Leaders of the Reich Warrior League, (that is something similar to the Stahl

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the SS sport communities; furthermore, the Reiter Groups which were transferred to the SS, known as so-called SS Reiter Stuerme, which had exactly the same characteristics and history as the SA Reiter Stuerme; and furthermore the students who were taken into the SS on a compulsory basis.

The following two affidavits, 118 and 101, deal with the Lebensborn organization. They prove that the tasks of this organization were to support families of many children and to care for children and mothers, including illegitimate children and unmarried mothers, but they did not involve the opportunity for illegal begetting of children as the prosecution has asserted.

SS affidavit #47 is a valuable supplement to the testimony of the witness Lieblicht, an SS doctor, before the Commission. It proves that doctors were taken into the SS exclusively on the basis of their technical ability. Leading doctors and leading authorities were taken into the SS to raise its prestige. It is asserted that the activity of the SS doctors of the General-SS was recognized by foreign countries, giving example of international authorities.

SS affidavits No. 95 and 96 prove that the SS Women's League were not members of the SS and were not sponsored. These girls had the same activities as the information and staff assistants in the Wehrmacht and must not be confused with the female supervisers in the concentration camps for female prisoners.

There follows a larger group of affidavits on the question of Germanization an extensive and very difficult point of the indictment. Affidavits No. 2, 112, 114, 113, 110, 115, 44, 71, 73, 75, 77, 79, 11, 43, 72, 74, 76, 78 and 80. May I add at this opportunity that in taking such a large group together, these individual affidavits are not cumulative, but the affidavits supplement each other. Only in this way could a complete picture be made of the points of the indictment and their defense. These affidavits prove that the Volksdeutsch Mittelstelle and the so-called Staff Main Office of the Reich Commissar for the Strengthening of Germanism -- I repeat, Volksdeutsche Mittelstelle and Stabshauptamt des Reichskommissars fuer die Festigung des Deutschen Volkstums -- were not SS agencies but were State Offices. That is the formal side of the defense. The material shows, from another part of these documents just quoted,

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that the SS did not have anything to do with the evacuation measures, Germanization measures, and the settlement of Germans in the occupied territories.

SS affidavit 89 proves that the Chief of the Prisoner of War System, even after Himmler's appointment, was a purely Wehrmacht office.

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When Himmler was appointed chief of the prisoner-of-war system, nothing was changed in the organization of the prisoner-of-war system. The SS especially did not exert any influence on the treatment of the prisoner of war.

I will refer now to next group of affidavit. They deal with the assertion of the prosecution that there has been politica unity. This took place under the so-called "Higher SS and Police Leader." That assertion of the prosecution is on Page 12, and 16 of the German Trial Brief. It is in the transcript of the 19th and the 20th of December. The following affidavits are to refute this statement, 86, 87, 88 and 10. I will ask the Tribunal to pay special attention to Affidavit 87. These affidavits prove that the Higher SS and Police Leaders within the Reich have no authority over the Ordnungspolizei or the security police.

The presentation of Dr. Best's document PS 1852 did not correspond to the facts and is a wishful dream.

Group 3 affidavits taken together containing affidavits which are to refute the assertion of the Prosecution that the SS was trained in favor of the doctrine of the master race and for racial hatred and that spiritually and physically it had prepared for war. Refer to the Trial Brief, Page 6 and the transcript of the 19th and 20th of December.

Affidavits 57, 58, 59, 60 and 83 prove that the SS is not trained for racial hatred and certainly not for racial extermination, also that the SS do s not train for war either mentally or physically.

The affidavits in group 4 deal with the following charge: That the Waffen-SS was an integral part of the whole SS. That is found in the transcript of the 19th and 20th of December, 1945.

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Furthermore, that service in the Waffen-SS, with a few exceptions, had been voluntary at the end of the war. In the third place, the Waffen-SS had fought in an illegal and inhumane manner on the basis of its training. Affidavit 84 proves that the Waffen-SS as a unit had no concept of Himmler's idea, and above all that the Waffen-SS heard nothing at all from the other sectors of Himmler's power and that they were not lead by Himmler in a military sense, only in regard to personnel questions, clothing and equipment.

The next four affidavits will be taken together, 36, 37, 39 and 40. It has been proved that a considerable part of the Waffen-SS and also special groups such as the Customs Border Protection and the SS-Motor Vehicle Squad, Front Aid of the German Post Office were taken into the SS on a compulsory basis.

The following affidavits, Numbers 1, 31, 32, 33, 34 and 81 prove the following : The Waffen-SS was repeatedly instructed about observing the rules of war. The rules of war were kept and violations were severely punished.

Affidavits 82 and 83 deal with the SS-Police Regiment like the documents quoted previously. They prove that these SS police regiments were pure regiments of the regular police without connection with the SS. The police divisions, to be distinguished from the regiments, up to April, 1942, were not at all under the SS. Only after that were they forcibly ordered into the Waffen-SS.

The Dueerlewanger has been mentioned repeatly. Affidavit 35 deals with it. This affidavit says, "This brigade was not an SS unit, but a unit set up directly, on Himmler's orders, of persons who had had prison sentence before.

The next group, affidavits 3 and 4, prove that assertion of the prosecution that the SS had participated in suppressing

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the SS on June 30, 1934, is false. The general SS in Frankfurt and Berlin, for example, was only allotted. No arrests or shooting took place.

I may say in this connection extensive material from all of Germany is given by affidavit 70. It is a cross-section of the whole camp, a whole internment camp. A digest is given.

The next group deals with another point of the indictment, participation of the SS in the Jewish program as of the 9th of November, 1938. These are affidavits 7, 6, 8, 9, 104 and 105. They prove that the SS in Nuernberg, Offenburg, Marburg, Berlin and in Ulm did not participate in Progroms, but on the 10th of November was employed for protection.

Of special importance as to the question of whether an order from above was given to the SS to participate in these Progroms, I consider this affidavit number 5. It is by a certain Schallermeier. I have just heard it is available in English. I would be grateful if the Tribunal would permit me to read it.

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THE PRESIDENT: Has it been digested in the transcript before the Commissioners?

DR. FELCKENEN: It is digested in the transcript, your Lordship. I do not want to read the whole document but may I read only part of it once more, something which is especially important.

"About 3 a.m. on November 10 (this is Schallermeir speaking) the Reichsfuehrer dictated to me in my room a declaration running as follows:

"'I went on 9 November to the Fuehrer and towards 11:30 p.m. the Gruppenfuehrer Wolff came to me and informed me about the orders issued by the Gau Propaganda Office in Munich. (I emphasize Gau Propaganda Office.) I asked the Fuehrer what orders he had to give me. The Fuehrer replied that the SS had to keep out of this action. The State Police were to provide safety for Jewish property and see that the Jews themselves were protected. The General SS, who remained in barracks, were only to be helpers on protective measures if absolutely necessary. I passed on this command of the Fuehrer to Gruppenfuehrer Heydrich for the State Police Headquarters and to the Oberabschnittsfuehrers for the General SS at once. When I asked the Fuehrer I had the impression that he knew nothing about what was happening. The order came from the Reich Propaganda Headquarters and I presume that Goebbels had started this action in his lust for power which had struck me for some while past and in his empty-headedness, just when the foreign political situation was at its worse.'"

May I correct myself. If I said this was Schallermeier that was a mistake. This quotation was dictated by Himmler; Himmler dictated these paragraphs.

And now the author of the affidavit goes on:

"I had to type this dictation personally."

It states that the statement of Himmler was locked up in the safe.

A very good view of the participation or non-participatio

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of the SS in these events of 9 November is given to the Tribunal by affidavit number 70, a digest from a camp.

The next group includes the following affidavits; 14, 15, 16, 19, 20, 21, 23, 25. It deals with circumstances in the concentration camps. These affidavits are to prove that treatment in the concentration camps, which these witnesses described only in general, were satisfactory. Mistreatment of prisoners was severely punished.

There are numerous examples on this subject in the affidavit number 70, which I have mentioned in the digest of many affidavits in the collective affidavit 119, 122.

As to the question of the authority in the concentration camps and the role which this played within the SS organization, the affidavit 99 and 100 are important. They prove that the income of concentration camps from the labor of prisoners was not turned over to the SS, in particular not to the Waffen SS but this income was entered on the budget of the German Reich.

The next group includes affidavits regarding experiments on living human beings. I consider them valuable only as to the question as to what the SS men know of these experiments.

Affidavit 17 is to prove that in Dachau they were volunteers for freezing experiments after they had been given a physical examination and special food.

Affidavit 107 also deals with these experiments.

The following group of affidavits, 18, 22, 27, and 28 deal with the question of secrecy regarding crimes, especially crimes in concentration camps and to refute the assertion of the Prosecution on page 3419 and 3420 of the German transcript, that the whole German population knew of the atrocities in concentration camps. That would include the SS men outside concentration camps.

These four affidavits prove that of all persons who came in contact in any way with concentration camps statements of secrecy were demanded; furthermore that the guards of the concentration camps did not have any insight into the actual protective custody

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camp's and that in part even within the commandatours one section was not informed about the activity of the other section.

On the same question of the knowledge of the members of the SS I consider very important affidavit number 24. In answer to the express question of a Waffen SS fuehrer, who reported to him, Himmler said that in the concentration camps everything was in order; that the prisoners were given satisfactory treatment, Himmler made this statement to the whole officers' corps of the 17th SS Division.

Affidavit 117 proves that the extreme secrecy rules in the Fuehrer's headquarters went so far that crimes in concentration camps, extermination of Jews and the activity of the Einsatz-kommandos that nothing was learned about these things.

I take three affidavits together, 63, 93 and 94. They also indicate extreme secrecy within Himmler's sphere and in particular extreme secrecy in the inspection of concentration camps. The notorious speech of Himmler's at Posen in October 1943 is known to the Tribunal. It was held before Obergruppenfuehrers of the SS,

The Schneider affidavit, number 29, says the following: Schneider was warned by Himmler personally to keep silence about the Posen speech if he was fond of his life.

Affidavit 41, indicates that the Economic and Administrative Main Office was competent for concentration camp administration through Amtsgruppe D. This affidavit emphasizes the extra-ordinary secrecy within this administrative organization.

Affidavit 12 reports that the adjutant of the chief of the SS main office inquired of the RSHA and also inquired of the WVHA Amtsgruppe D in 1943.

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The Chief of the SS Personnel Main Office inquired whether rumors about the murder of Jews were true. The offices mentioned answered that those rumors were untrue. They were enemy propaganda.

THE PRESIDENT: We shall break off now, Doctor, please. Will you be much longer in your summaries of these affidavits ?

DR. FELCKMANN: No, Your Lordship, these affidavits will not take much longer; but a resume of the mass affidavits which I must give so that the Tribunal will know what these mass affidavits deal with, that will take a little longer.

(The Tribunal adjourned until 21 August 1946, at 1000 hours.)